CHAPTER 218

COMMON CARRIERS, RAIL TRANSPORTATION

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218.01 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.011 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter and chapters 219 and 222, the terms defined in this section have the meanings given them.

Subd. 2. [Renumbered subd 10]

Subd. 3. [Renumbered subd 12]

Subd. 4. [Renumbered subd 13]

Subd. 5. [Renumbered subd 11]

Subd. 6. [Renumbered subd 9]

Subd. 7. MS 1998 [Repealed, 1999 c 86 art 1 s 83]

Subd. 8. **Commission.** "Commission" means the Midwest Interstate Passenger Rail Commission.

Subd. 9. **Commissioner.** "Commissioner" means the commissioner of the Department of Transportation.

Subd. 10. **Common carrier.** "Common carrier" shall mean railroad companies, except private railroads; express companies; and persons, natural or artificial, engaged in rail transportation as common carriers for hire.

Subd. 11. **Department.** "Department" means the Department of Transportation.

Subd. 12. **Railroad.** "Railroad" shall include all railways, bridges, car floats, lighters and ferries used by or operated in connection with any railroad; and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement or lease; and also all switches, spurs, tracks, terminals and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards and grounds, used or necessary in the transportation or delivery of any such property.

Subd. 13. **Transportation.** "Transportation" shall include locomotives, steam, diesel or electric powered engines, cars and other vehicles, vessels and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration, or icing, storage and handling of property transported.

History: *Ex1957 c 10 s 1; 1976 c 166 s 14; 1980 c 460 s 3; 1980 c 534 s 18; 1998 c 403 s 29; 2000 c 459 s 1; 2025 c 20 s 190*

218.02 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.021 MS 2012 [Repealed, 2014 c 227 art 1 s 23]

218.025 RATES FOR SHIPPING ROAD MATERIALS.

The commissioner may make schedules of intrastate rates for railroads for the transportation of sand, gravel, crushed rock, and other materials to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes.

History: *1957 c 943 s 27; 1971 c 25 s 67; 1976 c 166 s 16; 1980 c 534 s 20; 1998 c 403 s 29*

218.03 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.031 COMMON CARRIER, DUTIES.

Subdivision 1. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 2. **Information furnished commissioner.** Every common carrier shall furnish to the commissioner a report of accidents, wrecks, and casualties occurring in this state in a manner and form and at the times prescribed by the commissioner. All such reports administered by the Department of Public Safety must be received and administered in accordance with section 169.09, subdivision 13. All other reports are open to public inspection but are not admissible in evidence in any suit or action for damages growing out of such accident, wreck, or casualty.

Subd. 3. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 4. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 5. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 6. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 7. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 8. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 9. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 10. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

History: *Ex1957 c 10 s 3; 1971 c 25 s 67; 1971 c 160 s 1; 1975 c 313 s 1; 1976 c 166 s 17; 1980 c 534 s 21-24; 1Sp1981 c 4 art 2 s 17; 1982 c 561 s 6; 1983 c 77 s 1; 1985 c 248 s 70; 1986 c 444; 1998 c 403 s 29; 2001 c 213 s 21*

218.04 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.041 DUTIES OF COMMISSIONER.

Subdivision 1. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 2. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 3. MS 1982 [Repealed, 1Sp1981 c 4 art 2 s 24]

Subd. 4. **Commissioner's duties upon petition.** (a) The commissioner shall, upon petition, direct the repair, reconstruction, or replacement of any inadequate or unsafe trackage, structure or facility.

(b) Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to the commissioner to have an interest in the matter and publish notice of the petition in the State Register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption must be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without a hearing, the petitioner may request within 30 days of receiving a notice of denial, and must be granted, a contested case hearing on the application.

Subd. 5. **Investigative and enforcement duties generally.** The commissioner shall:

(1) investigate and determine whether any common carriers are granting rebates or, in any other particular, failing to comply with laws or with orders, rules, or directives of the commissioner; and

(2) institute and prosecute all actions and proceedings in the appropriate courts for the enforcement of this chapter; the orders, rules, and directives of the commissioner issued under this chapter; and any violations thereof.

Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter, the commissioner may:

(1) subpoena books, papers, or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for obtaining information that the commissioner may deem necessary or useful for the proper exercise of the authority and duties of the commissioner in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms must be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence, or other documents and records of any business under the commissioner's jurisdiction;

(4) examine, under oath, any officer, agent, or employee of a business under the commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction; and

(5) assess common carriers, administer the state rail safety inspection account, and perform other duties on behalf of the state rail safety inspector under section 219.015.

Subd. 7. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 8. **Intrastate rail passenger service rules.** The commissioner, as appropriate, may take action to promulgate rules in areas including, but not limited to the following: rates, routes, depots, schedules, quality of service, and safety requirements relating to intrastate rail passenger service.

History: *Ex1957 c 10 s 4; 1971 c 25 s 67; 1976 c 166 s 18; 1977 c 346 s 12; 1980 c 460 s 6; 1980 c 534 s 25; 1980 c 614 s 123; 1Sp1981 c 4 art 2 s 18-20; 1982 c 424 s 130; 1982 c 561 s 7,8; 1983 c 77 s 2; 1985 c 248 s 70; 1986 c 444; 1998 c 403 s 29; 2001 c 213 s 22-24; 2008 c 287 art 1 s 75*

218.05 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.051 MS 1974 [Repealed, 1976 c 166 s 119]

218.06 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.061 MS 1974 [Repealed, 1976 c 166 s 119]

218.07 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.071 OFFENSES AND PENALTIES.

Subdivision 1. **Authority; rules, orders, and directives.** The commissioner may promulgate rules, orders, and directives necessary to carry out the respective duties conferred on them by this chapter. The rules, orders, and directives may not be contrary to United States Code, title 49, sections 10101 to 11917. Every duly adopted rule, order, or directive of the commissioner shall have the full force and effect of law.

Subd. 2. **Violations generally; penalty.** Unless a different penalty or punishment is specifically prescribed, any person, firm, or corporation who performs any unlawful act, or fails to perform any duty imposed by this chapter, or to obey any valid and final order, rule, or directive of the commissioner, or who assists and aids therein, shall be guilty of a misdemeanor, and, if the violation be a continuing one, shall be guilty of a new offense for each day of such continuance, and for each offense shall be punished by a fine of one hundred dollars ($100).

Subd. 3. **Discriminatory practices; penalty.** Any common carrier, willfully granting any special rate, rebate, drawback, or directly or indirectly charging, demanding or collecting a greater or less compensation than provided by its regular established schedule of rates and charges, shall be punished by a fine not exceeding $10,000 for each such offense.

Subd. 4. **Failure to comply; penalty.** Any common carrier failing to comply with any order of the commissioner shall be subject to a penalty of fifty dollars ($50) for each and every day of such failure to comply, to be recovered for the state in a civil action by the commissioner.

History: *Ex1957 c 10 s 7; 1971 c 25 s 67; 1976 c 166 s 19; 1980 c 534 s 26; 1982 c 561 s 9; 1983 c 77 s 3; 1984 c 628 art 3 s 11; 1986 c 444; 1998 c 403 s 29*

218.08 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.09 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.10 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.11 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.12 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.13 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.181 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.19 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.20 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.21 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.22 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.23 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.24 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.25 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.26 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.27 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.28 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.29 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.30 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.305 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.31 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.32 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.33 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.34 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.35 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.37 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.38 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.39 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.40 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.41 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.42 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.43 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.44 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.45 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.46 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.47 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.48 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.49 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.50 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.51 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.52 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.53 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.54 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.66 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.67 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.68 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.69 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.70 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.71 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.72 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.73 MS 1953 [Repealed, Ex1957 c 10 s 8]

218.75 MIDWEST INTERSTATE PASSENGER RAIL COMPACT.

The contracting states solemnly agree:

ARTICLE I

STATEMENT OF PURPOSE

The purposes of this compact are, through joint or cooperative action:

A) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;

B) to coordinate interaction among Midwestern state-elected officials and their designees on passenger rail issues;

C) to promote development and implementation of long-range plans for high-speed rail passenger service in the Midwest and among other regions of the United States;

D) to work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and

E) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

ARTICLE II

ESTABLISHMENT OF COMMISSION

To further the purposes of the compact, a commission is created to carry out the duties specified in this compact.

ARTICLE III

COMMISSION MEMBERSHIP

The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be

determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the commission.

The commission shall consist of four resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two legislators, one from each legislative chamber, who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the commission bylaws.

ARTICLE IV

POWERS AND DUTIES OF THE COMMISSION

The duties of the commission are to:

1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;

2) identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;

3) seek development of a long-term, interstate plan for high-speed rail passenger service implementation;

4) cooperate with other agencies, regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;

5) adopt bylaws governing the activities and procedures of the commission and addressing, among other subjects: the powers and duties of officers; the voting rights of commission members, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission;

6) expend such funds as required to carry out the powers and duties of the commission; and

7) report on the activities of the commission to the legislatures and governor of the member states on an annual basis.

In addition to its exercise of these duties, the commission is empowered to:

1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission;

2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;

3) educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;

4) work with federal agency officials and members of Congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high-speed rail passenger service implementation;

5) make recommendations to member states;

6) if requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission, implement or provide oversight for specific rail projects;

7) establish an office and hire staff as necessary;

8) contract for or provide services;

9) assess dues, in accordance with the terms of this compact;

10) conduct research; and

11) establish committees.

ARTICLE V

OFFICERS

The commission shall annually elect from among its members a chair, a vice-chair who shall not be a resident of the state represented by the chair, and others as approved in the commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the commission bylaws.

ARTICLE VI

MEETINGS AND COMMISSION ADMINISTRATION

The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

ARTICLE VII

FINANCE

Except as otherwise provided for, the monies necessary to finance the general operations of the commission in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission shall not issue any debt instrument. The commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

ARTICLE VIII

ENACTMENT, EFFECTIVE DATE AND AMENDMENTS

The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact. Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

ARTICLE IX

WITHDRAWAL, DEFAULT AND TERMINATION

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other commission members. Any such defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected hereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

History: *2000 c 459 s 2*