



Phillip J. Qualy
Legislative Director,
Chairperson

Daniel M. Paradise
Assistant Director

Brian L. Hunstad
Secretary

Labor & Professional Centre
411 Main Street / Suite 212
St. Paul, MN 55102
651-222-7500 (o)
651-222-7828 (f)
UTUMNLEGBD@VISL.COM

Minnesota Legislative Board
A Division of SMART, Sheet metal, Air, Rail and Transit Union
Printed In House

TO: UTU-SMART-TD Local Membership

FROM: UTU-SMART-TD SLD Phillip Qualy

DATE: May 19, 2014

RE: Legislative Report: H.F. 3172-Minnesota Railroad Yard Lighting/Hazmat Bill.

Dear Brothers and Sisters,

Enclosed herewith, please find a copy of Minnesota Legislative Bill H.F. 3172 the Omnibus Financial Appropriations bill which contains:

- **Minnesota Railroad Yard Lighting bill language with appropriation,**
- **Provisions that place Railroad Labor in statute as participants in hazardous material planning, training and drills with public first responders,**
- **Provision of three new MnDOT State Railroad inspectors for track, hazardous material, mechanical inspections, with a public safety office,**
- **Appropriation for grade-crossing improvements with priority to improve hazardous material corridors, and,**
- **MnDOT Passenger Rail and Freight Office appropriations.**

We await Governor Dayton's esteemed signature on this legislation. Thank you.

Sincerely,

P.J. Qualy
Minnesota Legislative Director
United Transportation Union-SMART-TD

enclosure

cc: Mr. John Previsich, UTU-SMART-TD Transportation President
Mr. James M. Stem, UTU-SMART-TD National Legislative Director

Minnesota State Legislature

Minnesota House of Representatives

HF 3172 Status in the House for the 88th Legislature (2013 - 2014)

Current bill text: [3rd Engrossment](#)
[Version List](#)

Companion: [SF2785](#);
[Companion Text](#)
[Senate Search](#)

Revisor number: 14-5578
 Session Law Chapter: [312](#)

Long Description	Further Committee Actions	House Research Summary
----------------------------------	---	--

Description

Omnibus supplemental appropriations bill.

Authors

[Carlson](#) ; [Hausman](#)

Senate Authors

[Cohen](#)

Actions

Separated	Chronological
---------------------------	-------------------------------

House

03/17/2014	Introduction and first reading, referred to Ways and Means	Intro pg. 7187
04/01/2014	Committee report, to adopt as amended	pg. 8616a
04/01/2014	Second reading	pg. 8937
04/02/2014	House rule 1.21, placed on Calendar for the Day Thursday, April 3, 2014	pg. 8954
04/03/2014	Amended	pg. 9032a
04/03/2014	Point of order raised multiple points of order	pg. 9322
04/03/2014	Third reading as amended	pg. 9373
04/03/2014	Bill was passed as amended	vote: 70-59 pg. 9375
04/09/2014	Returned from Senate with amendment	pg. 9705
04/09/2014	House refuses to concur, conference committee of 5 requested	pg. 9707
04/09/2014	House conferees Carlson, Huntley, Mahoney, Marquart, Wagenius	pg. 9708
04/10/2014	Senate accedes, conference committee of 5 be appointed	pg. 9760
04/10/2014	Senate conferees Cohen, Tomassoni, Lourey, Wiger, Bonoff	pg. 9762
05/15/2014	Author added Hausman	pg. 11175
05/16/2014	Conference committee report, delete everything	pg. 11414c
05/16/2014	House adopted conference committee report	pg. 11836
05/16/2014	Third reading as amended by Conference	pg. 11836
05/16/2014	Bill was repassed as amended by Conference	vote: 75-55 pg. 11838
	Presented to Governor 5/17/14	
	Governor approval 5/20/2014	
	Secretary of State, Filed 05/20/14	
	Chapter number 312	

Senate

04/04/2014	Received from House	pg. 7389
04/04/2014	Introduction and first reading	pg. 7389
04/04/2014	Referred to Finance	
04/07/2014	Comm report: To pass as amended	pg. 7407a

04/10/2014 House not concur, conference committee of 5 requested vote: 37-27 pg. 7861
 04/10/2014 House conferees Carlson; Huntley; Mahoney; Marquart; Wagenius pg. 8028
 04/10/2014 Senate accedes, CC of 5 be appointed
 04/10/2014 Senate conferees Cohen; Tomassoni; Lourey; Wiger; Bonoff pg. 8057
 05/16/2014 House adopted HCC report and repassed bill
 05/16/2014 Conference committee report, delete everything pg. 9924c
 05/16/2014 Senate adopted CC report and repassed bill
 05/16/2014 Third reading vote: 37-22 pg. 10395
 Presentment date 05/17/14

HF 2460 Status in the House for the 88th Legislature (2013 - 2014)

Current bill text: [1st Engrrossment](#) Companion: [SF2290](#); Revisor number: 14-4635
[Add HF 2460 to MyBills](#) [Companion Text](#)
[Version List](#) [Senate Search](#)

Long Description	Further Committee Actions	House Research Summary
------------------	---------------------------	------------------------

Description
 Railroad yard lighting standards established.

Authors
 Metse; Lillie; Newton; Bernardy; Hornstein; Johnson, S.; Hillstrom

Actions
 Separated Chronological

House		
02/27/2014	Introduction and first reading, referred to Transportation Policy	Intro pg. 6644
03/04/2014	Author added Lillie	pg. 6793
03/06/2014	Authors added Newton and Bernardy	pg. 6895
03/17/2014	Authors added Hornstein and Johnson, S.	pg. 7189
03/20/2014	Committee report, to adopt as amended and re-refer to Transportation Finance	pg. 7302a
04/04/2014	Author added Hillstrom	pg. 9617

→ INSERTED INTO H.F. 3172, OMBUS SUPPLEMENTAL AMENDMENTS.

SF 2290 Status in the Senate for the 88th Legislature (2013 - 2014)

Current bill text: [1st Engrrossment](#) Companion: [HF2460](#); Revisor number: 14-4635
[Add SF 2290 to MyBills](#) [Companion Text](#)
[Version List](#) [House Search](#)

Long Description	Committee Hearings and Actions	Senate Counsel & Research Summary
------------------	--------------------------------	-----------------------------------

Description
 Railroad yard lighting standards establishment

Authors
 Carlson; Tomassoni; Dibble

Actions
 Separated Chronological

Senate		
03/04/2014	Introduction and first reading	Intro pg. 5961
03/04/2014	Referred to Transportation and Public Safety	
03/20/2014	Comm report: To pass as amended and re-refer to Finance	1 pg. 6468a

→ INSERTED INTO S.F. 2858, REFERRED TO H.F. 3172, OSA-BILL.

136.1 Subdivision 1. Lighting status reports submitted by railroad common carriers.

136.2 By January 15 of each year, each Class I and Class II railroad common carrier that
136.3 operates one or more railroad yards in this state, where, between sunset and sunrise, cars or
136.4 locomotives are frequently switched, repaired, or inspected, or where trains are assembled
136.5 and disassembled, shall submit to the commissioner of transportation a plan that:

136.6 (1) identifies all railroad yards operated by the railroad where the described work
136.7 is frequently accomplished between sunset and sunrise;

136.8 (2) describes the nature and placement of lighting equipment currently in use in the
136.9 yard and the maintenance status and practices regarding this equipment;

136.10 (3) states whether the lighting meets or exceeds guidelines for illumination
136.11 established by the American Railway Engineering and Maintenance-of-Way Association;

136.12 (4) describes whether existing lighting is installed and operated in a manner
136.13 consistent with energy conservation, glare reduction, minimization of light pollution, and
136.14 preservation of the natural night environment; and

136.15 (5) identifies plans and timelines to bring into compliance railroad yards that do not
136.16 utilize and maintain lighting equipment that meets or exceeds the standards and guidelines
136.17 under clauses (3) and (4), or states any reason why the standards and guidelines should
136.18 not apply.

136.19 Subd. 2. Maintenance of lighting equipment. A railroad common carrier

136.20 that is required to file a report under subdivision 1 shall maintain all railroad yard
136.21 lighting equipment in good working order and shall repair or replace any malfunctioning
136.22 equipment within 48 hours after the malfunction has been reported to the carrier. Repairs
136.23 must be made in compliance with, or to exceed the standards in, the Minnesota Electrical
136.24 Code and chapter 326B.

136.25 Subd. 3. Lighting status reports submitted by worker representative. By

136.26 January 15 of each year, the union representative of the workers at each railroad yard
136.27 required to submit a report under subdivision 1 shall submit to the commissioner of
136.28 transportation a report that:

136.29 (1) describes the nature and placement of lighting equipment currently in use in the
136.30 yard and maintenance status and practices regarding the equipment;

136.31 (2) describes the level of maintenance of lighting equipment and the carrier's
136.32 promptness in responding to reports of lighting malfunction;

136.33 (3) states whether the available lighting is adequate to provide safe working
136.34 conditions for crews working at night; and

136.35 (4) describes changes in the lighting equipment and its adequacy that have occurred
136.36 since the last previous worker representative report.

137.1 **Subd. 4. Commissioner response.** The commissioner shall review the reports
137.2 submitted under subdivisions 1 and 3. The commissioner shall investigate any
137.3 discrepancies between lighting status reports submitted under subdivisions 1 and 3,
137.4 and shall report findings to the affected yard's owner and worker representative. The
137.5 commissioner shall annually advise the chairs and ranking minority members of the house
137.6 of representatives and senate committees and divisions with jurisdiction over transportation
137.7 budget and policy as to the content of the reports submitted, discrepancies investigated,
137.8 the progress achieved by the railroad common carriers towards achieving the standards
137.9 and guidelines under clauses (3) and (4), and any recommendations for legislation to
137.10 achieve compliance with the standards and guidelines within a reasonable period of time.

137.11 **Subd. 5. Required lighting.** By December 31, 2015, a railroad common carrier
137.12 shall establish lighting that meets the standards and guidelines under subdivision 1, clauses
137.13 (3) and (4), at each railroad yard where:

137.14 (1) between sunset and sunrise:

137.15 (i) locomotives, or railcars carrying placarded hazardous materials, are frequently
137.16 switched, repaired, or inspected, or

137.17 (ii) trains with more than 25 tanker railcars carrying placarded hazardous materials
137.18 are assembled and disassembled; and

137.19 (2) the yard is located within two miles of a petroleum refinery having a crude oil
137.20 production capacity of 150,000 or more barrels per day.

137.21 **Sec. 28. Minnesota Statutes 2012, section 222.50, subdivision 7, is amended to read:**

137.22 **Subd. 7. Expenditures.** (a) The commissioner may expend money from the rail
137.23 service improvement account for the following purposes:

137.24 (1) to make transfers as provided under section 222.57 or to pay interest adjustments
137.25 on loans guaranteed under the state rail user and rail carrier loan guarantee program;

137.26 (2) to pay a portion of the costs of capital improvement projects designed to improve
137.27 rail service of a rail user or a rail carrier;

137.28 (3) to pay a portion of the costs of rehabilitation projects designed to improve rail
137.29 service of a rail user or a rail carrier;

137.30 (4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to
137.31 the state rail bank program;

137.32 (5) to provide for aerial photography survey of proposed and abandoned railroad
137.33 tracks for the purpose of recording and reestablishing by analytical triangulation the
137.34 existing alignment of the in-place track;

138.1 (6) to pay a portion of the costs of acquiring a rail line by a regional railroad
138.2 authority established pursuant to chapter 398A;

138.3 (7) to pay the state matching portion of federal grants for rail-highway grade
138.4 crossing improvement projects; and

138.5 (8) for expenditures made before July 1, 2017, to pay the state matching portion
138.6 of grants under the federal Transportation Investment Generating Economic Recovery
138.7 (TIGER) program of the United States Department of Transportation; and

138.8 (9) to fund rail planning studies.

138.9 (b) All money derived by the commissioner from the disposition of railroad
138.10 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall
138.11 be deposited in the rail service improvement account.

138.12 Sec. 29. Minnesota Statutes 2013 Supplement, section 297A.815, subdivision 3,
138.13 is amended to read:

138.14 Subd. 3. Motor vehicle lease sales tax revenue. (a) For purposes of this
138.15 subdivision, "net revenue" means an amount equal to:

138.16 (1) the revenues, including interest and penalties, collected under this section, during
138.17 the fiscal year; less

138.18 (2) ~~in fiscal year 2011, \$30,100,000; in fiscal year 2012, \$31,100,000; and in fiscal~~
138.19 ~~year 2013 and following fiscal years, \$32,000,000 in each fiscal year.~~

138.20 (b) On or before June 30 of each fiscal year, the commissioner of revenue shall
138.21 estimate the amount of the ~~revenues and subtraction under paragraph (a)~~ net revenue
138.22 for the current fiscal year.

138.23 (c) On or after July 1 of the subsequent fiscal year, the commissioner of management
138.24 and budget shall transfer the net revenue as estimated in paragraph (b) from the general
138.25 fund, as follows:

138.26 (1) \$9,000,000 annually until January 1, ~~2016~~ 2015, and 50 percent annually
138.27 thereafter to the county state-aid highway fund. Notwithstanding any other law to the
138.28 contrary, the commissioner of transportation shall allocate the funds transferred under this
138.29 clause to the counties in the metropolitan area, as defined in section 473.121, subdivision
138.30 4, excluding the counties of Hennepin and Ramsey, so that each county shall receive
138.31 of such amount the percentage that its population, as defined in section 477A.011,
138.32 subdivision 3, estimated or established by July 15 of the year prior to the current calendar
138.33 year, bears to the total population of the counties receiving funds under this clause; and

138.34 (2) the remainder to the greater Minnesota transit account.

110.1 \$816,000 in the second year is from
110.2 the special revenue fund for 12 new
110.3 positions to implement improved driving
110.4 skill examination scheduling. The base
110.5 appropriation for these positions is \$759,000
110.6 in fiscal year 2016 and \$774,000 in fiscal
110.7 year 2017.

110.8 The base appropriation from the special
110.9 revenue fund is ~~\$28,851,000~~ \$29,609,000
110.10 for fiscal year 2016 and ~~\$28,845,000~~
110.11 \$29,618,000 for fiscal year 2017.

110.12 **Sec. 13. TRANSFER; RAILROAD AND PIPELINE SAFETY.**

110.13 On or before July 31, 2014, the commissioner of management and budget shall
110.14 transfer \$1,574,000 from the general fund to the railroad and pipeline safety account in the
110.15 special revenue fund under Minnesota Statutes, section 299A.55. This is a onetime transfer.

110.16 **ARTICLE 10**

110.17 **RAILROAD AND PIPELINE SAFETY**

110.18 Section 1. Minnesota Statutes 2012, section 115E.01, is amended by adding a
110.19 subdivision to read:

110.20 Subd. 6a. Incident commander. "Incident commander" means the official at the
110.21 site of a discharge who has the responsibility for operations at the site, as established
110.22 following National Incident Management System guidelines.

110.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

110.24 Sec. 2. Minnesota Statutes 2012, section 115E.01, is amended by adding a subdivision
110.25 to read:

110.26 Subd. 7a. Listed sensitive area. "Listed sensitive area" means an area or location
110.27 listed as an area of special economic or environmental importance in an Area Contingency
110.28 Plan or a Sub-Area Contingency Plan prepared under the federal Clean Water Act, United
110.29 States Code, title 33, section 1321(j)(4).

110.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

111.1 Sec. 3. Minnesota Statutes 2012, section 115E.01, is amended by adding a subdivision
111.2 to read:

111.3 Subd. 11d. Unit train. "Unit train" means a train with more than 25 tanker railcars
111.4 carrying oil or hazardous substance cargo.

111.5 EFFECTIVE DATE. This section is effective the day following final enactment.

111.6 **Sec. 4. [115E.042] PREPAREDNESS AND RESPONSE FOR CERTAIN**
111.7 **RAILROADS.**

111.8 Subdivision 1. Application. In addition to the requirements of section 115E.04,
111.9 a person who owns or operates railroad car rolling stock transporting a unit train must
111.10 comply with this section.

111.11 Subd. 2. Training. (a) Each railroad must offer training to each fire department
111.12 having jurisdiction along the route of unit trains. Initial training under this subdivision
111.13 must be offered to each fire department by June 30, 2016, and refresher training must be
111.14 offered to each fire department at least once every three years thereafter.

111.15 (b) The training must address the general hazards of oil and hazardous substances,
111.16 techniques to assess hazards to the environment and to the safety of responders and the
111.17 public, factors an incident commander must consider in determining whether to attempt to
111.18 suppress a fire or to evacuate the public and emergency responders from an area, and other
111.19 strategies for initial response by local emergency responders. The training must include
111.20 suggested protocol or practices for local responders to safely accomplish these tasks.

111.21 Subd. 3. Coordination. Beginning June 30, 2015, each railroad must communicate
111.22 at least annually with each county or city emergency manager, safety representatives of
111.23 railroad employees governed by the Railway Labor Act, and a senior fire department
111.24 officer of each fire department having jurisdiction along the route of a unit train, to ensure
111.25 coordination of emergency response activities between the railroad and local responders.

111.26 Subd. 4. Response capabilities; time limits. (a) Following confirmation of a
111.27 discharge, a railroad must deliver and deploy sufficient equipment and trained personnel to
111.28 contain and recover discharged oil or hazardous substances and to protect the environment
111.29 and public safety.

111.30 (b) Within one hour of confirmation of a discharge, a railroad must provide a
111.31 qualified company employee to advise the incident commander. The employee may be
111.32 made available by telephone, and must be authorized to deploy all necessary response
111.33 resources of the railroad.

111.34 (c) Within three hours of confirmation of a discharge, a railroad must be capable of
111.35 delivering monitoring equipment and a trained operator to assist in protection of responder

112.1 and public safety. A plan to ensure delivery of monitoring equipment and an operator to a
112.2 discharge site must be provided each year to the commissioner of public safety.

112.3 (d) Within three hours of confirmation of a discharge, a railroad must provide qualified
112.4 personnel at a discharge site to assess the discharge and to advise the incident commander.

112.5 (e) A railroad must be capable of deploying containment boom from land across
112.6 sewer outfalls, creeks, ditches, and other places where oil or hazardous substances
112.7 may drain, in order to contain leaked material before it reaches those resources. The
112.8 arrangement to provide containment boom and staff may be made by:

112.9 (1) training and caching equipment with local jurisdictions;

112.10 (2) training and caching equipment with a fire mutual-aid group;

112.11 (3) means of an industry cooperative or mutual-aid group;

112.12 (4) deployment of a contractor;

112.13 (5) deployment of a response organization under state contract; or

112.14 (6) other dependable means acceptable to the Pollution Control Agency.

112.15 (f) Each arrangement under paragraph (e) must be confirmed each year. Each
112.16 arrangement must be tested by drill at least once every five years.

112.17 (g) Within eight hours of confirmation of a discharge, a railroad must be capable of
112.18 delivering and deploying containment boom, boats, oil recovery equipment, trained staff,
112.19 and all other materials needed to provide:

112.20 (1) on-site containment and recovery of a volume of oil equal to ten percent of the
112.21 calculated worst case discharge at any location along the route; and

112.22 (2) protection of listed sensitive areas and potable water intakes within one mile of
112.23 a discharge site and within eight hours of water travel time downstream in any river
112.24 or stream that the right-of-way intersects.

112.25 (h) Within 60 hours of confirmation of a discharge, a railroad must be capable of
112.26 delivering and deploying additional containment boom, boats, oil recovery equipment,
112.27 trained staff, and all other materials needed to provide containment and recovery of a
112.28 worst case discharge and to protect listed sensitive areas and potable water intakes at any
112.29 location along the route.

112.30 Subd. 5. Railroad drills. Each railroad must conduct at least one oil containment,
112.31 recovery, and sensitive area protection drill every three years, at a location and time
112.32 chosen by the Pollution Control Agency, and attended by safety representatives of railroad
112.33 employees governed by the Railway Labor Act.

112.34 Subd. 6. Prevention and response plans. (a) By June 30, 2015, a railroad shall
112.35 submit the prevention and response plan required under section 115E.04, as necessary to

113.1 comply with the requirements of this section, to the commissioner of the Pollution Control
113.2 Agency on a form designated by the commissioner.

113.3 (b) By June 30 of every third year following a plan submission under this subdivision,
113.4 a railroad must update and resubmit the prevention and response plan to the commissioner.

113.5 EFFECTIVE DATE. Subdivisions 1 to 3 and 6 are effective the day following final
113.6 enactment. Subdivisions 4 and 5 are effective July 1, 2015.

113.7 Sec. 5. Minnesota Statutes 2012, section 115E.08, is amended by adding a subdivision
113.8 to read:

113.9 Subd. 3a. Railroad preparedness; pollution control. The Pollution Control
113.10 Agency shall carry out environmental protection activities related to railroad discharge
113.11 preparedness. Duties under this subdivision include, but are not limited to:

113.12 (1) assisting local emergency managers and fire officials in understanding the
113.13 hazards of oil and hazardous substances, as well as general strategies for containment and
113.14 environmental protection;

113.15 (2) assisting railroads to identify natural resources and sensitive areas, and to devise
113.16 strategies to contain and recover oil and hazardous substances from land and waters
113.17 along routes;

113.18 (3) facilitating cooperation between railroads for mutual aid arrangements that
113.19 provide training, staff, and equipment as required by this chapter;

113.20 (4) participating in drills and training sessions;

113.21 (5) reviewing each railroad's prevention and response plan for compliance with
113.22 the requirements of this chapter, and assessing each railroad's readiness to protect the
113.23 environment;

113.24 (6) conducting inspections and drills as necessary to determine the railroad's
113.25 compliance with the requirements of this chapter and ability to protect the environment;

113.26 (7) conducting follow-up corrective action directives, orders, and enforcement as
113.27 necessary based on a finding of inadequate environmental protection preparedness; and

113.28 (8) soliciting involvement and advice concerning preparedness activities and
113.29 requirements from safety representatives of railroad employees governed by the Railway
113.30 Labor Act.

113.31 EFFECTIVE DATE. This section is effective the day following final enactment.

113.32 Sec. 6. Minnesota Statutes 2012, section 115E.08, is amended by adding a subdivision
113.33 to read:

114.1 Subd. 3b. Railroad and pipeline preparedness; public safety. The commissioner
114.2 of public safety shall carry out public safety protection activities related to railroad and
114.3 pipeline spill and discharge preparedness. Duties under this subdivision include, but
114.4 are not limited to:

114.5 (1) assisting local emergency managers and fire officials to understand the hazards
114.6 of oil and hazardous substances, as well as general strategies for hazard identification,
114.7 initial isolation, and other actions necessary to ensure public safety;

114.8 (2) assisting railroads and pipeline companies to develop suggested protocols and
114.9 practices for local first responder use in protecting the public's safety;

114.10 (3) facilitating cooperation between railroads, pipeline companies, county and city
114.11 emergency managers, and other public safety organizations;

114.12 (4) participating in major exercises and training sessions;

114.13 (5) assisting local units of government to incorporate railroad and pipeline hazard
114.14 and response information into local emergency operations plans;

114.15 (6) monitoring the public safety-related training and planning requirements of
114.16 section 115E.03; and

114.17 (7) referring noncompliance with section 115E.03 to the Pollution Control Agency.

114.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

114.19 Sec. 7. Minnesota Statutes 2012, section 219.015, subdivision 1, is amended to read:

114.20 Subdivision 1. ~~Position~~ **Positions established; duties.** (a) The commissioner of
114.21 transportation shall establish a position of ~~three~~ **three state rail safety inspector positions** in
114.22 the Office of Freight and Commercial Vehicle Operations of the Minnesota Department
114.23 of Transportation. ~~On or after July 1, 2015, the commissioner may establish a fourth~~
114.24 **state rail safety inspector position following consultation with railroad companies.**

114.25 The commissioner shall apply to ~~and enter into agreements with~~ the Federal Railroad
114.26 Administration (FRA) of the United States Department of Transportation to participate
114.27 in the federal State Rail Safety ~~Partnership~~ **Participation Program** for training and
114.28 certification of an inspector under authority of United States Code, title 49, sections 20103,
114.29 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212.

114.30 The ~~(b)~~ **(b)** A state rail safety inspector shall inspect mainline track, secondary track, and
114.31 yard and industry track; inspect railroad right-of-way, including adjacent or intersecting
114.32 drainage, culverts, bridges, overhead structures, and traffic and other public crossings;
114.33 inspect yards and physical plants; review and enforce safety requirements; review
114.34 maintenance and repair records; and review railroad security measures.

115.1 (c) A state rail safety inspector may perform, but is not limited to, the duties
115.2 described in the federal State Rail Safety Participation Program. An inspector may train,
115.3 be certified, and participate in any of the federal State Rail Safety Participation Program
115.4 disciplines, including: track, signal and train control, motive power and equipment,
115.5 operating practices compliance, hazardous materials, and highway-rail grade crossings.

115.6 (d) To the extent delegated by the Federal Railroad Administration and authorized
115.7 by the commissioner, the an inspector may issue citations for violations of this chapter, or
115.8 to ensure railroad employee and public safety and welfare.

115.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.10 **Sec. 8. Minnesota Statutes 2012, section 219.015, subdivision 2, is amended to read:**

115.11 **Subd. 2. Railroad company assessment; account; appropriation. (a) As provided**
115.12 **in this subdivision, the commissioner shall annually assess railroad companies that are**
115.13 **(1) defined as common carriers under section 218.011; (2) classified by federal law or**
115.14 **regulation as Class I Railroads, or Class I Rail Carriers, Class II Railroads, or Class II**
115.15 **Carriers; and (3) operating in this state;.**

115.16 **(b) The assessment must be by a division of state rail safety inspector program costs**
115.17 **in equal proportion between carriers based on route miles operated in Minnesota, assessed**
115.18 **in equal amounts for 365 days of the calendar year. The commissioner shall assess all**
115.19 **start-up or re-establishment costs, and all related costs of initiating the state rail safety**
115.20 **inspector program beginning July 1, 2008. The, and ongoing state rail inspector duties**
115.21 **must begin and be assessed on January 1, 2009.**

115.22 **(c) The assessments must be deposited in a special account in the special revenue**
115.23 **fund, to be known as the state rail safety inspection account. Money in the account is**
115.24 **appropriated to the commissioner and may be expended to cover the costs incurred for the**
115.25 **establishment and ongoing responsibilities of the state rail safety inspector program.**

115.26 **EFFECTIVE DATE. This section is effective the day following final enactment.**

115.27 **Sec. 9. [299A.55] RAILROAD AND PIPELINE SAFETY; OIL AND OTHER**
115.28 **HAZARDOUS MATERIALS.**

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

115.31 **(b) "Applicable rail carrier" means a railroad company that is subject to an**
115.32 **assessment under section 219.015, subdivision 2.**

115.33 **(c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.**

- 116.1 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.
- 116.2 (e) "Pipeline company" means any individual, partnership, association, or public
- 116.3 or private corporation who owns and operates pipeline facilities and is required to show
- 116.4 specific preparedness under section 115E.03, subdivision 2.
- 116.5 Subd. 2. Railroad and pipeline safety account. (a) A railroad and pipeline safety
- 116.6 account is created in the special revenue fund. The account consists of funds collected
- 116.7 under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the
- 116.8 account.
- 116.9 (b) \$104,000 is annually appropriated from the railroad and pipeline safety account
- 116.10 to the commissioner of the Pollution Control Agency for environmental protection
- 116.11 activities related to railroad discharge preparedness under chapter 115E.
- 116.12 (c) Following the appropriation in paragraph (b), the remaining money in the
- 116.13 account is annually appropriated to the commissioner of public safety for the purposes
- 116.14 specified in subdivision 3.
- 116.15 Subd. 3. Allocation of funds. (a) Subject to funding appropriated for this
- 116.16 subdivision, the commissioner shall provide funds for training and response preparedness
- 116.17 related to (1) derailments, discharge incidents, or spills involving trains carrying oil or
- 116.18 other hazardous substances, and (2) pipeline discharge incidents or spills involving oil
- 116.19 or other hazardous substances.
- 116.20 (b) The commissioner shall allocate available funds as follows:
- 116.21 (1) \$100,000 annually for emergency response teams; and
- 116.22 (2) the remaining amount to the Board of Firefighter Training and Education under
- 116.23 section 299N.02 and the Division of Homeland Security and Emergency Management.
- 116.24 (c) Prior to making allocations under paragraph (b), the commissioner shall consult
- 116.25 with the Fire Service Advisory Committee under section 299F.012, subdivision 2.
- 116.26 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
- 116.27 prioritize uses of funds based on:
- 116.28 (1) firefighter training needs;
- 116.29 (2) community risk from discharge incidents or spills;
- 116.30 (3) geographic balance; and
- 116.31 (4) recommendations of the Fire Service Advisory Committee.
- 116.32 (e) The following are permissible uses of funds provided under this subdivision:
- 116.33 (1) training costs, which may include, but are not limited to, training curriculum,
- 116.34 trainers, trainee overtime salary, other personnel overtime salary, and tuition;

117.1 (2) costs of gear and equipment related to hazardous materials readiness, response,
117.2 and management, which may include, but are not limited to, original purchase,
117.3 maintenance, and replacement;

117.4 (3) supplies related to the uses under clauses (1) and (2); and

117.5 (4) emergency preparedness planning and coordination.

117.6 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
117.7 safety account provided for the purposes under this subdivision, the commissioner may
117.8 retain a balance in the account for budgeting in subsequent fiscal years.

117.9 Subd. 4. Assessments. (a) The commissioner of public safety shall annually assess
117.10 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
117.11 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
117.12 and pipeline safety account under subdivision 2.

117.13 (b) The assessment for each railroad is 50 percent of the total annual assessment
117.14 amount, divided in equal proportion between applicable rail carriers based on route miles
117.15 operated in Minnesota. The assessment for each pipeline company is 50 percent of the
117.16 total annual assessment amount, divided in equal proportion between companies based
117.17 on the yearly aggregate gallons of oil and hazardous substance transported by pipeline
117.18 in Minnesota.

117.19 (c) The assessments under this subdivision expire July 1, 2017.

117.20 **Sec. 10. IMPROVEMENTS STUDY ON GRADE CROSSINGS AND**
117.21 **RAIL SAFETY FOR OIL AND OTHER HAZARDOUS MATERIALS**
117.22 **TRANSPORTATION.**

117.23 (a) The commissioner of transportation shall conduct a study on highway-rail grade
117.24 crossing improvement for oil and other hazardous materials transported by rail, and on
117.25 rail safety. At a minimum, the study must:

117.26 (1) provide information that assists in risk management associated with
117.27 transportation of oil and other hazardous materials by rail;

117.28 (2) develop criteria to prioritize needs and improvements at highway-rail grade
117.29 crossings;

117.30 (3) consider alternatives for safety improvements, including but not limited to active
117.31 warning devices such as gates and signals, closings, and grade separation;

117.32 (4) provide findings and recommendations that serve to direct accelerated
117.33 investments in highway-rail grade crossing safety improvements; and

117.34 (5) analyze state inspection activities and staffing for track and hazardous materials
117.35 under Minnesota Statutes, section 219.015.

118.1 (b) The commissioner shall submit an interim update on the study by August 31,
118.2 2014, and a final report by October 31, 2014, to the chairs and ranking minority members
118.3 of the legislative committees with jurisdiction over transportation policy and finance.

118.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

118.5 **Sec. 11. REPORTS ON INCIDENT PREPAREDNESS FOR OIL**
118.6 **TRANSPORTATION.**

118.7 **Subdivision 1. Report on response preparedness.** By January 15, 2015, the
118.8 commissioner of public safety shall submit a report on emergency response preparedness
118.9 in the public and private sectors for incidents involving transportation of oil to the chairs
118.10 and ranking minority members of the legislative committees with jurisdiction over
118.11 transportation and public safety policy and finance. At a minimum, the report must:

118.12 (1) summarize the preparedness and emergency response framework in the state;

118.13 (2) provide an assessment of costs and needs of fire departments and other
118.14 emergency first responders for training and equipment to respond to discharge or spill
118.15 incidents involving transportation of oil;

118.16 (3) develop a comprehensive public and private response capacity inventory that,
118.17 to the extent feasible, includes statewide identification of major emergency response
118.18 equipment, equipment staging locations, mutual aid agreements, and capacities across
118.19 industries involved in transportation and storage of oil;

118.20 (4) provide information and analysis that forms the basis for allocation of funds
118.21 under Minnesota Statutes, section 299A.55;

118.22 (5) develop benchmarks or assessment criteria for the evaluation under subdivision 2;

118.23 (6) assist in long-range oil transportation incident preparedness planning; and

118.24 (7) make recommendations for any legislative changes.

118.25 **Subd. 2. Evaluation of response preparedness and funding.** By January 15,
118.26 2017, the commissioner of public safety shall submit an evaluation of safety preparedness
118.27 and funding related to incidents involving transportation of oil to the chairs and ranking
118.28 minority members of the legislative committees with jurisdiction over transportation and
118.29 public safety policy and finance. At a minimum, the evaluation must:

118.30 (1) provide an update to the report under subdivision 1 that identifies notable
118.31 changes and provides updated information as appropriate;

118.32 (2) evaluate the effectiveness of training and response preparedness activities under
118.33 Minnesota Statutes, section 299A.55, using the criteria established under subdivision
118.34 1, clause (5);

95.1 \$78,000 in each year is from the general
 95.2 fund for grants to greater Minnesota transit
 95.3 providers as reimbursement for the costs of
 95.4 providing fixed route public transit rides free
 95.5 of charge under Minnesota Statutes, section
 95.6 174.24, subdivision 7, for veterans certified
 95.7 as disabled.

95.8 \$32,000 in the second year is from the
 95.9 general fund for allocation to public transit
 95.10 systems under Minnesota Statutes, section
 95.11 174.24, in amounts that reflect the respective
 95.12 foregone fare revenues from transit service
 95.13 under article 11, section 39.

95.14 The base appropriation from the general fund
 95.15 for fiscal years 2016 and 2017 is \$17,245,000
 95.16 in each year.

95.17	(c) Passenger Rail	500,000	500,000
-------	--------------------	---------	---------

95.18 This appropriation is from the general
 95.19 fund for passenger rail system planning,
 95.20 alternatives analysis, environmental analysis,
 95.21 design, and preliminary engineering under
 95.22 Minnesota Statutes, sections 174.632 to
 95.23 174.636.

95.24			5,153,000
95.25	(d) Freight	5,653,000	<u>7,153,000</u>

95.26	Appropriations by Fund		
95.27			256,000
95.28	General	756,000	<u>2,256,000</u>
95.29	Trunk Highway	4,897,000	4,897,000

95.30 \$500,000 in the first year is from the general
 95.31 fund to pay for the department's share of costs
 95.32 associated with the cleanup of contaminated
 95.33 state rail bank property. This appropriation is
 95.34 available until expended.

139.1 **Sec. 30. [299A.017] STATE SAFETY OVERSIGHT.**

139.2 Subdivision 1. Office created. The commissioner of public safety shall establish an
139.3 Office of State Safety Oversight in the Department of Public Safety for safety oversight of
139.4 rail fixed guideway public transportation systems within the state. The commissioner shall
139.5 designate a director of the office.

139.6 Subd. 2. Authority. The director shall implement and has regulatory authority to
139.7 enforce the requirements for the state set forth in United States Code, title 49, sections
139.8 5329 and 5330, federal regulations adopted pursuant to those sections, and successor or
139.9 supplemental requirements.

139.10 **Sec. 31. [473.4056] LIGHT RAIL TRANSIT VEHICLE DESIGN.**

139.11 Subdivision 1. Adoption of standards. (a) By January 1, 2015, the Metropolitan
139.12 Council shall adopt and may thereafter amend standards for the design of light rail
139.13 vehicles that are reasonably necessary to provide access for, and to protect the health and
139.14 safety of, persons who use the service. All light rail transit vehicles procured on and after
139.15 January 1, 2015, must conform to the standards then in effect.

139.16 (b) The Transportation Accessibility Advisory Committee must review the standards
139.17 and all subsequent amendments before the Metropolitan Council adopts them.

139.18 (c) The Metropolitan Council shall post adopted standards, including amendments,
139.19 on its Web site.

139.20 Subd. 2. Minimum standards. Standards adopted under this section must include,
139.21 but are not limited to:

139.22 (1) two dedicated spaces for wheelchair users in each car;

139.23 (2) seating for a companion adjacent to at least two wheelchair-dedicated spaces; and

139.24 (3) further specifications that meet or exceed the standards established in the

139.25 Americans with Disabilities Act.

139.26 **Sec. 32. [473.41] TRANSIT SHELTERS AND STOPS.**

139.27 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
139.28 have the meanings given.

139.29 (b) "Transit authority" means:

139.30 (1) a statutory or home rule charter city, with respect to rights-of-way at bus stop and
139.31 train stop locations, transit shelters, and transit passenger seating facilities owned by the
139.32 city or established pursuant to a vendor contract with the city;