

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@VISI.COM

## *Minnesota Legislative Board*

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

May 16, 2014

The Honorable  
Representative Jason Metsa  
State of Minnesota  
521 State Office Building  
St. Paul, MN 55155

RE: H.F. 3394: Modifying Penalties, Railroad Carriers Blocking Grade Crossings.

Dear Representative Metsa,

Per our conversations over this legislative session regarding CN Railway management directives to UTU-SMART-TD train crews to deliberately block public crossings at grade in northern Minnesota, thank you for introducing H.F. 3394.

Enclosed herewith and for your ready reference, please find a copy of our memorandum dated May 8th, 2014, regarding "CN Railway, Train Dispatcher Orders to Block Public Grade Crossings, Northern Minnesota."

We believe that H.F. 3394 will serve to inform the discussion regarding public safety over the summer. As introduced, this legislation should certainly be instructive to all railroads operating in the state of Minnesota.

With the close of the Minnesota 2013-2014 Legislative Biennium and passage of the Minnesota Railroad Yard Lighting Bill into law, and with introduction of H.F. 3394, thank you for leadership and great work to improve the safety of our membership.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Qualy", is written over the printed name.

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  
Ms. Jennifer Schaubach, Minnesota, AFL-CIO Legislative Director  
UTU-SMART-TD Local Representatives, Locals 64, 650, 911, 1000, 1067, 1137,  
1175, 1177, 1292, 1614, and 1976.

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3394

05/16/2014 Authored by Metsa, Sundin and Murphy, M.,  
The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act  
1.2 relating to transportation; railroads; modifying penalties for blocking public roads  
1.3 or streets; amending Minnesota Statutes 2012, sections 218.071, subdivisions 2,  
1.4 3, 4; 219.383, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 218.071, subdivision 2, is amended to read:

1.7 Subd. 2. **Violations generally; penalty.** Unless a different penalty or punishment is  
1.8 specifically prescribed, any person, firm, or corporation who performs any unlawful act, or  
1.9 fails to perform any duty imposed by this chapter, or to obey any valid and final order,  
1.10 rule, or directive of the commissioner, or who assists and aids therein, shall be guilty of  
1.11 a gross misdemeanor, and, if the violation be a continuing one, shall be guilty of a new  
1.12 offense for each day of such continuance, and for each offense shall be punished by a fine  
1.13 of ~~one hundred dollars (\$100)~~ \$1,000. A continuing offense or a second or subsequent  
1.14 offense under this section shall be punished by a fine of \$1,000 for each offense, with  
1.15 the cumulative fine not to exceed \$10,000.

1.16 Sec. 2. Minnesota Statutes 2012, section 218.071, subdivision 3, is amended to read:

1.17 Subd. 3. **Discriminatory practices; penalty.** Any common carrier ordering or  
1.18 willfully blocking a public grade crossing for more than ten minutes, or willfully granting  
1.19 any special rate, rebate, drawback, or directly or indirectly charging, demanding or  
1.20 collecting a greater or less compensation than provided by its regular established schedule  
1.21 of rates and charges, shall be punished by a fine not exceeding \$10,000 for each such  
1.22 offense.

2.1 Sec. 3. Minnesota Statutes 2012, section 218.071, subdivision 4, is amended to read:

2.2 Subd. 4. **Failure to comply; penalty.** Any common carrier failing to comply with  
2.3 any order of the commissioner shall be subject to a penalty of ~~fifty dollars (\$50)~~ **\$1,000**  
2.4 for each and every day of such failure to comply, to be recovered for the state in a civil  
2.5 action by the commissioner.

2.6 Sec. 4. Minnesota Statutes 2012, section 219.383, subdivision 3, is amended to read:

2.7 Subd. 3. **Not to block public road or street.** No railway corporation shall permit  
2.8 a public road or street crossing a railroad track to be closed for traffic by a standing  
2.9 car, train, engine, or other railroad equipment, or by a switching movement which  
2.10 continuously blocks a crossing for longer than ten minutes. A violation or charge under  
2.11 this section shall be issued only against a railroad common carrier. The charging or  
2.12 prosecuting jurisdiction shall serve or present notice of a violation or charge under this  
2.13 section directly on the railroad common carrier's general manager or superintendent's  
2.14 office in Minnesota. This subdivision does not apply to cities of the first class which  
2.15 regulate obstruction of streets by ordinance.

2.16 Sec. 5. **EFFECTIVE DATE.**

2.17 Sections 1 to 4 are effective the day following final enactment.