

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3828

(SENATE AUTHORS: DIBBLE, Kent, Carlson and Klein)

DATE
03/02/2020

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to transportation; requiring rulemaking to establish a schedule of civil
1.3 penalties and fines for railroad carriers in violation of railroad safety and other
1.4 standards.

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

1.6 Section 1. **RAILROAD CARRIER CIVIL PENALTIES AND FINES; RULEMAKING**
1.7 **AUTHORIZATION.**

1.8 (a) The commissioner of transportation must amend Minnesota Rules consistent with
1.9 the requirements of this section to adopt a schedule of civil penalties and fines for
1.10 noncompliance with statutes, rules, and regulations related to railroad safety, service, and
1.11 employment. The commissioner must consult with the Department of Labor and Industry
1.12 and the Office of the Attorney General in devising and adopting the schedule and must
1.13 receive and consider input from interested stakeholders. The schedule must be adopted no
1.14 later than December 31, 2021.

1.15 (b) The schedule of civil penalties and fines must be categorized for separate assessment
1.16 against the following groups:

- 1.17 (1) Class I and Class II railroad carriers;
- 1.18 (2) Class III railroad carriers; and
- 1.19 (3) industry track owners or parties responsible for industry track maintenance.

1.20 (c) The schedule of civil penalties and fines must be specific to noncompliance in different
1.21 railroad disciplines, including but not limited to:

- 1.22 (1) track;

2.1 (2) operations;

2.2 (3) mechanical;

2.3 (4) signal; and

2.4 (5) motive power.

2.5 (d) The schedule of civil penalties and fines must be assessed at the following levels of
2.6 noncompliance:

2.7 (1) violations; and

2.8 (2) willful violations.

2.9 (e) Civil penalties and fines must be assessed progressively at higher rates for each
2.10 consecutive violation or willful violation. Repeated violations and willful violations must
2.11 be assessed according to comparable federal standards under Code of Federal Regulations,
2.12 title 49, sections 200 to 299.

2.13 (f) The commissioner must adopt rules and procedures requiring the Department of
2.14 Transportation to issue a notice of noncompliance to a Class I, Class II, or Class III railroad
2.15 carrier that establishes a deadline to bring an unsafe condition into compliance. The
2.16 commissioner must adopt rules allowing the Department of Transportation to issue an
2.17 emergency order to repair to correct any unsafe condition, including the embargo of a track
2.18 due to an unsafe condition that poses an imminent danger to an employee, railroad worker,
2.19 or the general public.

2.20 (g) The commissioner must adopt rules requiring industry track owners and Class I and
2.21 Class II railroad carriers to provide industry track service and maintenance agreements to
2.22 state inspectors upon request.

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