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HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **1067**

March 14, 2011

Authored by Nelson

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

April 28, 2011

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

May 5, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to transportation; prohibiting certain activities on rail bank property;
1.3 imposing misdemeanor penalty; amending Minnesota Statutes 2010, section
1.4 222.63, subdivision 9.

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

1.6 Section 1. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

1.7 Subd. 9. **Rail bank property use; ~~petty~~ misdemeanors.** (a) Except for the
1.8 actions of road authorities and their agents, employees, and contractors, and of utilities,
1.9 in carrying out their duties imposed by permit, law, or contract, and except as otherwise
1.10 provided in this section, it is unlawful to knowingly perform any of the following activities
1.11 on rail bank property:

1.12 (1) obstruct any trail;

1.13 (2) deposit snow or ice;

1.14 (3) remove or place any earth, vegetation, gravel, or rock without authorization;

1.15 (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous
1.16 materials;

1.17 (5) erect a fence, or place or maintain any advertising, sign, or memorial, except
1.18 upon authorization by the commissioner of transportation;

1.19 (6) remove, injure, displace, or destroy right-of-way markers or reference or witness
1.20 monuments or markers placed to preserve section or quarter-section corners defining
1.21 rail bank property limits;

1.22 (7) drive upon any portion of rail bank property, except at approved crossings, and
1.23 except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or
1.24 other vehicles authorized to use rail bank property;

2.1 (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker,
2.2 paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~

2.3 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry
2.4 on, across, or over the limits of rail bank property;

2.5 (10) plow, disc, or perform any other detrimental operation; or

2.6 (11) place or maintain any building or structure.

2.7 (b) Unless a greater penalty is provided elsewhere in statute, any violation of this
2.8 subdivision is a ~~petty~~ misdemeanor.

2.9 (c) The cost to remove, repair, or perform any other corrective action necessitated by
2.10 a violation of this subdivision may be charged to the violator.