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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH  
SESSION

**HOUSE FILE No. 1223**

March 21, 2011

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

1.1 A bill for an act  
1.2 relating to railroads; modifying provisions relating to duties of commissioner  
1.3 of transportation regarding passenger railroads; amending Minnesota Statutes  
1.4 2010, section 174.632.

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

1.6 Section 1. Minnesota Statutes 2010, section 174.632, is amended to read:

1.7 **174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.**

1.8 (a) The planning, design, development, construction, operation, and maintenance of  
1.9 passenger rail track, facilities, and services are governmental functions, serve a public  
1.10 purpose, and are a matter of public necessity.

1.11 (b) The commissioner is responsible for all aspects of planning, designing,  
1.12 developing, constructing, equipping, operating, and maintaining passenger rail, including  
1.13 system planning, alternatives analysis, environmental studies, preliminary engineering,  
1.14 final design, construction, negotiating with railroads, and developing financial and  
1.15 operating plans.

1.16 (c) The commissioner may enter into a memorandum of understanding or agreement  
1.17 with a public or private entity, including a regional railroad authority, a joint powers board,  
1.18 and a railroad, to carry out these activities.

1.19 (d) If the commissioner undertakes planning, construction, operation, or maintenance  
1.20 of passenger rail track, facilities, and services, or contracts with another for these  
1.21 activities, then the commissioner shall preserve all railroad employee rights under the  
1.22 following federal laws:

1.23 (1) Railway Labor Act, United States Code, title 45, chapter 8;

- 2.1 (2) Federal Employers' Liability Act (Railroads), United States Code, title 45,  
2.2 chapter 2;
- 2.3 (3) railroad retirement and unemployment insurance and benefits administered by  
2.4 the United States Railroad Retirement Board;
- 2.5 (4) Americans with Disabilities Act, United States Code, title 42, chapter 126;
- 2.6 (5) Federal Railroad Safety Act of 1970, United States Code, title 49, subtitle V,  
2.7 Part A, as amended; and
- 2.8 (6) Occupational Health and Safety Act of 1970, United States Code, title 29,  
2.9 section 651 et seq.
- 2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.