

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3499**

02/12/2024 Authored by Brand; Hansen, R.; Frederick; Elkins and Hemmingsen-Jaeger
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy
03/14/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to railroads; providing for railroad safety, including modifying minimum
1.3 insurance requirements and establishing a maximum train length; providing for
1.4 penalties; amending Minnesota Statutes 2022, section 221.0255, subdivision 4,
1.5 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.6 chapter 219.

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

1.8 Section 1. [219.5505] TRAIN LENGTH.

1.9 Subdivision 1. **Definition.** For purposes of this section, "railroad" means a common
1.10 carrier that is classified by federal law or regulation as a Class I railroad, Class I rail carrier,
1.11 Class II railroad, Class II rail carrier, Class III railroad, or Class III rail carrier.

1.12 Subd. 2. **Maximum length.** A railroad must not operate a train in this state that has a
1.13 total length in excess of 8,500 feet.

1.14 Subd. 3. **Penalty.** (a) A railroad that violates this section is subject to a penalty of:

1.15 (1) not less than \$1,000 or more than \$5,000 for a first offense;

1.16 (2) not less than \$5,000 or more than \$10,000 for a second offense committed within
1.17 three years of the first offense; and

1.18 (3) not less than \$25,000 for a third or subsequent offense committed within three years
1.19 of the first offense.

1.20 (b) The commissioner of transportation may enforce this section in a civil action before
1.21 a judge of a county in which the violation occurs.

2.1 (c) Fines collected under this section must be deposited in the state rail safety inspection
2.2 account in the special revenue fund.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
2.4 committed on or after that date.

2.5 Sec. 2. Minnesota Statutes 2022, section 221.0255, subdivision 4, is amended to read:

2.6 Subd. 4. **Motor carrier of railroad employees; requirements.** (a) The motor carrier
2.7 of railroad employees must implement a policy that provides for annual training and
2.8 certification of the operator in:

2.9 (1) safe operation of the vehicle transporting railroad employees;

2.10 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

2.11 (3) handling emergency situations;

2.12 (4) proper use of seat belts;

2.13 (5) performance of pretrip and posttrip vehicle inspections, and inspection record keeping;

2.14 and

2.15 (6) proper maintenance of required records.

2.16 (b) The motor carrier of railroad employees must:

2.17 (1) confirm that the person is not disqualified under subdivision 6, by performing a
2.18 criminal background check of the operator, which must include:

2.19 (i) a criminal history check of the state criminal records repository; and

2.20 (ii) if the operator has resided in Minnesota less than five years, a criminal history check
2.21 from each state of residence for the previous five years;

2.22 (2) annually verify the operator's driver's license;

2.23 (3) document meeting the requirements in this subdivision, which must include
2.24 maintaining at the carrier's business location:

2.25 (i) a driver qualification file on each operator who transports passengers under this
2.26 section; and

2.27 (ii) records of pretrip and posttrip vehicle inspections as required under subdivision 3,
2.28 paragraph (a), clause (3);

2.29 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless of the
2.30 seating capacity of the vehicle;

3.1 (5) maintain uninsured and underinsured coverage in a minimum amount of ~~\$1,000,000~~
3.2 \$5,000,000; and

3.3 (6) ensure inspection of each vehicle operated under this section as provided under
3.4 section 169.781.

3.5 (c) A driver qualification file under paragraph (b), clause (3), must include:

3.6 (1) a copy of the operator's most recent medical examiner's certificate;

3.7 (2) a copy of the operator's current driver's license;

3.8 (3) documentation of annual license verification;

3.9 (4) documentation of annual training;

3.10 (5) documentation of any known violations of motor vehicle or traffic laws; and

3.11 (6) responses from previous employers, if required by the current employer.

3.12 (d) The driver qualification file must be retained for one year following the date of
3.13 separation of employment of the driver from the carrier. A record of inspection under
3.14 paragraph (b), clause (3), item (ii), must be retained for one year following the date of
3.15 inspection.

3.16 (e) If a party contracts with the motor carrier on behalf of the railroad to transport the
3.17 railroad employees, then the insurance requirements may be satisfied by either that party
3.18 or the motor carrier, so long as the motor carrier is a named insured or additional insured
3.19 under any policy.

3.20 Sec. 3. Minnesota Statutes 2022, section 221.0255, is amended by adding a subdivision
3.21 to read:

3.22 Subd. 10. **Penalty; civil action.** (a) A railroad or motor carrier of railroad employees
3.23 that violates this section is subject to a penalty of:

3.24 (1) not less than \$200 but not more than \$500 for a first offense;

3.25 (2) not less than \$500 but not more than \$1,000 for a second offense; and

3.26 (3) not less than \$1,000 but not more than \$5,000 for a third or subsequent offense
3.27 committed within three years of the first offense.

3.28 (b) The commissioner may enforce this section in a civil action before a judge of a county
3.29 in which the violation occurs.

- 4.1 (c) Fines collected under this section must be deposited in the state rail safety inspection
- 4.2 account in the special revenue fund.
- 4.3 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
- 4.4 committed on or after that date.