

1.1 A bill for an act
1.2 relating to transportation; governing railroad safety and certain incident response
1.3 preparedness; appropriating money; amending Minnesota Statutes 2020, sections
1.4 219.015, subdivisions 1, 2; 219.1651; 299A.55, subdivision 3, by adding a
1.5 subdivision.

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

1.7 Section 1. TITLE.

1.8 This act may be cited as the "Hazardous Substances Transportation Safety Act."

1.9 Sec. 2. Minnesota Statutes 2020, section 219.015, subdivision 1, is amended to read:

1.10 Subdivision 1. ~~Positions~~ Program established; inspector powers and duties. (a) The
1.11 commissioner of transportation ~~shall~~ must establish ~~three~~ a state rail safety ~~inspector positions~~
1.12 ~~in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department~~
1.13 ~~of Transportation. On or after July 1, 2015, the commissioner may establish a fourth state~~
1.14 ~~rail safety inspector position following consultation with railroad companies~~ inspection
1.15 program that may include state rail safety inspectors and supervision as determined by the
1.16 commissioner. The commissioner shall apply to and enter into agreements with the Federal
1.17 Railroad Administration (FRA) of the United States Department of Transportation to
1.18 participate in the federal State Rail Safety Participation Program ~~for training and certification~~
1.19 ~~of an inspector~~ to train and certify inspectors under authority of United States Code, title
1.20 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49,
1.21 part 212.

1.22 (b) A state rail safety inspector ~~shall~~ may:

- 2.1 (1) inspect mainline track, secondary track, and yard and industry track;
- 2.2 (2) inspect railroad right-of-way, including adjacent or intersecting drainage, culverts,
- 2.3 bridges, overhead structures, and traffic and other public crossings;
- 2.4 (3) inspect yards and physical plants;
- 2.5 (4) inspect train equipment;
- 2.6 (5) inspect railroad operations;
- 2.7 (6) inspect railroad-highway grade crossings;
- 2.8 (7) inspect railroad signal and train control systems;
- 2.9 (8) review and enforce safety requirements;
- 2.10 (9) review maintenance and repair records; and
- 2.11 (10) review railroad security measures.

2.12 (c) A state rail safety inspector may perform, but is not limited to, the duties described

2.13 in the federal State Rail Safety Participation Program. An inspector may train, be certified,

2.14 and participate in any of the federal State Rail Safety Participation Program disciplines,

2.15 including: track, signal and train control, motive power and equipment, operating practices

2.16 compliance, hazardous materials, and highway-rail grade crossings.

2.17 (d) To the extent delegated by the Federal Railroad Administration and authorized by

2.18 the commissioner, an inspector may issue citations for violations of this chapter, or to ensure

2.19 railroad employee and public safety and welfare.

2.20 Sec. 3. Minnesota Statutes 2020, section 219.015, subdivision 2, is amended to read:

2.21 Subd. 2. **Railroad company assessment; account; appropriation.** (a) As provided in

2.22 this subdivision, the commissioner shall annually assess railroad companies that are (1)

2.23 defined as common carriers under section 218.011; (2) classified by federal law or regulation

2.24 as Class I Railroads, Class I Rail Carriers, Class II Railroads, or Class II Carriers; and (3)

2.25 operating in this state.

2.26 (b) The assessment must be ~~by a division of~~ calculated to allocate state rail safety

2.27 ~~inspector inspection~~ program costs in equal proportion between proportionally among

2.28 carriers based on route miles operated in Minnesota, ~~assessed in equal amounts for 365 days~~

2.29 ~~of the calendar year~~ at the time of assessment. The commissioner ~~shall assess~~ must include

2.30 in the assessment calculation all ~~start-up or re-establishment costs, all related costs of~~

2.31 ~~initiating the state rail safety inspector inspection~~ program costs to support up to six rail

3.1 safety inspector positions, including but not limited to salary, administration, supervision,
3.2 travel, equipment, training, and ongoing state rail inspector duties.

3.3 (c) The assessments collected under this subdivision must be deposited in a ~~special~~
3.4 ~~account in the special revenue fund, to be known as the~~ state rail safety inspection account,
3.5 which is established in the special revenue fund. The account consists of funds provided by
3.6 this subdivision and any other money donated, allotted, transferred, or otherwise provided
3.7 to the account. Money in the account is appropriated to the commissioner ~~for the~~
3.8 ~~establishment and ongoing responsibilities of~~ to administer the state rail safety ~~inspector~~
3.9 inspection program.

3.10 Sec. 4. Minnesota Statutes 2020, section 219.1651, is amended to read:

3.11 **219.1651 GRADE CROSSING SAFETY ACCOUNT.**

3.12 A Minnesota grade crossing safety account is created in the special revenue fund,
3.13 consisting of money credited to the account by law. Money in the account is appropriated
3.14 to the commissioner of transportation for rail-highway grade crossing safety projects on
3.15 public streets and highways, including engineering costs and other costs associated with
3.16 administration and delivery of grade crossing safety projects. At the discretion of the
3.17 commissioner of transportation, money in the account at the end of each biennium may
3.18 cancel to the trunk highway fund.

3.19 Sec. 5. Minnesota Statutes 2020, section 299A.55, subdivision 3, is amended to read:

3.20 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
3.21 the commissioner shall provide funds for training and response preparedness related to (1)
3.22 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous
3.23 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
3.24 substances.

3.25 (b) The commissioner shall allocate available funds as follows:

3.26 (1) \$100,000 annually for emergency response teams; and

3.27 (2) the remaining amount to the Board of Firefighter Training and Education under
3.28 section 299N.02 and the Division of Homeland Security and Emergency Management.

3.29 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
3.30 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

4.1 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
4.2 prioritize uses of funds based on:

4.3 (1) firefighter training needs;

4.4 (2) community risk from discharge incidents or spills;

4.5 (3) geographic balance; ~~and~~

4.6 (4) risks to the general public; and

4.7 (5) recommendations of the Fire Service Advisory Committee.

4.8 (e) The following are permissible uses of funds provided under this subdivision:

4.9 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
4.10 trainee overtime salary, other personnel overtime salary, and tuition;

4.11 (2) costs of gear and equipment related to hazardous materials readiness, response, and
4.12 management, which may include, but are not limited to, original purchase, maintenance,
4.13 and replacement;

4.14 (3) supplies related to the uses under clauses (1) and (2); ~~and~~

4.15 (4) emergency preparedness planning and coordination;

4.16 (5) grants to local community organizations as provided in subdivision 3a; and

4.17 (6) community education and outreach.

4.18 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
4.19 safety account provided for the purposes under this subdivision, the commissioner may
4.20 retain a balance in the account for budgeting in subsequent fiscal years.

4.21 Sec. 6. Minnesota Statutes 2020, section 299A.55, is amended by adding a subdivision to
4.22 read:

4.23 Subd. 3a. **Community-based preparedness.** A local community organization or entity,
4.24 however organized, may receive a grant under this section to engage in community-based
4.25 emergency preparedness and response planning activities. Eligible uses of the funds include
4.26 but are not limited to:

4.27 (1) incident response or readiness planning that is community-specific and focused on
4.28 response actions by the general public;

4.29 (2) stakeholder engagement on derailments and hazardous substance discharge incidents;
4.30 and

5.1 (3) entering into an agreement with a technical adviser for informational, planning, or
5.2 other technical assistance to the local community organization or entity.

5.3 **Sec. 7. HAZARDOUS SUBSTANCES TRANSPORTATION INCIDENT RESPONSE**
5.4 **PREPAREDNESS; APPROPRIATION.**

5.5 \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner of
5.6 public safety for hazardous substances transportation incident response preparedness under
5.7 Minnesota Statutes, section 299A.55, subdivisions 3 and 3a. This is a onetime appropriation
5.8 and is available until June 30, 2024.