

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 2018**

(SENATE AUTHORS: ANDERSON, B., Newman and Kiffmeyer)

DATE  
03/13/2017

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to transportation; authorizing the Metropolitan Council and counties to  
1.3 contract for use of railroad or mass transit right-of-way; regulating civil liability;  
1.4 proposing coding for new law in Minnesota Statutes, chapter 473.

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

1.6 Section 1. **[473.4052] RIGHTS-OF-WAY USE; CONTRACTS.**

1.7 (a) The council or a metropolitan county, or public entity contracting with the council  
1.8 or county, may contract with a railroad that is a Class I, Class II, or Class III railroad under  
1.9 federal law for the joint or shared use of the council's or county's right-of-way used for  
1.10 commuter rail, light rail transit, or freight rail purposes or for the construction, operation,  
1.11 or maintenance of rail track, facilities, or services for freight rail purposes.

1.12 (b) Notwithstanding any law to the contrary, a contract with the Class I, Class II, or  
1.13 Class III railroad for joint or shared use of the council's or county's right-of-way may also  
1.14 provide for the allocation of financial responsibility, indemnification, and the procurement  
1.15 of insurance for the parties for all types of claims or damages. The liability limits under  
1.16 section 466.04 apply to all types of claims or damages arising from Class I, Class II, or  
1.17 Class III freight rail operations under this section.

1.18 (c) A contract entered into under this section does not affect rights of employees under  
1.19 the federal Employers' Liability Act (1908) (Railroads), Statutes at Large, volume 35, chapter  
1.20 149, or the federal Railway Labor Act, Statutes at Large, volume 44, chapter 347.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
1.22 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.