



MINNESOTA REGIONAL RAILROADS ASSOCIATION

MRRA EXPRESS

Legislative Update

Wednesday, April 4, 2007

Welcome to the second edition of the 2007 MRRA Express, a legislative update prepared by the Government Relations Department of Messerli & Kramer, P.A. Our goal is to keep MRRA members attuned to the latest legislative developments in St. Paul and offer an analysis of activities at the Capitol that impact transportation, especially the railroad industry.

On Monday, April 2nd, the legislature broke for its spring recess until April 10th. To give our readers a quick primer on the legislature's remaining calendar for the year, they are required to adjourn by midnight on Monday, May 21st. In addition, both the House and Senate set internal deadlines for both their policy and finance bills. In the House, the deadline for all policy bills was Friday March 23rd. This means that all policy bills were to have passed their respective committees to remain alive for the remainder of the legislative session. On the Senate side, their deadline for policy bills is Saturday, April 14th. Starting on April 16th, all policy bills still alive will hit the House and Senate floors. After that, Conference Committee consisting of members from both the House and Senate will begin deliberating all remaining legislation on April 23rd.

RAILWAY WALKWAYS SAFETY ACT UP IN HOUSE NEXT WEEK *In Senate, bill runs into opposition from Judiciary Committee Chair*

Last week, the House Transportation Committee added the provisions of the Railway Walkway Safety bill to its larger Omnibus Policy bill. The provisions, advanced by the United Transportation Union, are designed to require extensive inspection of railroad walkways and create a state rail safety inspector that would be paid for through and assessment on Class I Railroads. The bill is expected to be considered by the House Finance Committee during the week of April 9th.

Railroad lobbyists will attempt to remove the provision during that hearing. However, some allies in the Republican caucus indicated that they wish to leave the provisions in the bill as a foundation for a veto by the Governor. Some of these provisions require the Department of Transportation to hire a track inspector at the expense of the Class I railroads. Another provision specifies standards and requirements for various types of walkways and provides penalties for failure to maintain the walkways.

The Senate version of the bill, Senate File 1534, authored by Senator Scott Dibble (DFL – Minneapolis) was debated in the Senate Transportation Committee on Thursday, March 22nd.

The discussion of the measure took nearly two hours after which time the bill was re-referred to the Senate Finance Committee. During the debate Senator Mee Moua (DFL – St. Paul) asked a number of questions of the UTU representative and noted that she wasn't receiving adequate answers. Moua indicated that the bill must come to her Judiciary Committee before moving forward as well. The Senate Transportation Committee will put its Omnibus Policy Bill together during the week of April 9th. We do not anticipate the legislation being included because the original bill has been re-referred to another committee.

RAIL SECURITY ACT AMENDED IN HOUSE

Bill stalls in Senate

As we reported in the last edition of the MRRRA Express, Representative Deb Hilstrom (DFL – Brooklyn Center) and Senator Rick Olseen (DFL – Harris) introduced House File 1326 and Senate File 1043. Known as the Rail Security Act, these bills purport to protect railroad property from terrorism and other criminal activities by requiring an extensive series of emergency planning activities, many of which are duplicative of the Federal Railroad Administration's requirements.

The House Transportation Policy Bill was amended last week to include three additional requirements that railroads must accomplish to provide security along their lines. These provisions were added in lieu of the more onerous requirements of the original bill, and they are as follows:

- 1) Provide local first responders with an emergency phone number where they can receive information regarding hazmat materials involved in an accident.
- 2) Upon request, provide first responders an annual list of hazmat materials transported in their area.
- 3) Provide annual hazmat training as required under FRA regulations.

The Senate bill has not been heard. The railroads persuaded the Chairman of the Senate Transportation Committee to not take it up.

LEGISLATION TO REGULATE PESTICIDE APPLICATIONS HALTED IN HOUSE

Senate committee plans to hear bill April 12th

Earlier this legislative session, Representative Larry Hosch (DFL-St. Joseph) and Senator Sandra Erickson-Ropes (DFL-Winona) introduced bills sponsored by the Brotherhood of Maintenance of Way Employees (BMWWE) that would require each railroad to file their pesticide application schedules with the Commissioner of Agriculture by March 15th of each year.

This legislation would also require railroads operating in Minnesota to prepare and file detailed plans regarding pesticide applications along railroad infrastructure. Railroads would be required to file plans with the Department of Agriculture in March of each year. In addition, the bill would require that employees be excluded for 48 hours from areas where pesticides are applied and be provided with "comprehensive information" regarding the pesticides used to employees with 168 hours of the application.

The bill was heard in the House Agriculture Committee on March 22nd, amended and sent to the House Finance Committee. MRRA lobbyist John Apitz met with the author of the bill and achieved agreement that no further action will be taken in the House this year. However, in the Senate, the Agriculture Committee has scheduled the bill for hearing on April 12th. The MRRA will speak with both the author and chair to stop the bill.

HEAVY TRUCK SIZE & WEIGHT LEGISLATION FOLDED INTO OMNIBUS BILLS
Recently introduced bills aim to put bigger trucks on road

House File 2116, introduced by Rep. Bernie Lieder (DFL – Crookston) and Senate File 2183, introduced by Sen. Rod Skoe (DFL – Clearbrook), were recently introduced to allow for heavier trucks to transport agricultural and forestry products from 80,000 lbs. to 108,000 lbs. with the addition of axles to support the load. The House language is included in the Omnibus Transportation Policy Bill. The same language was amended onto a separate Senate bill dealing with forest products that was adopted by the Senate Transportation and referred to the Senate Finance Committee. We will keep you posted with the legislation as the session moves forward.

MRSI LANGUAGE INCLUDED IN HOUSE OMNIBUS LEGISLATION
Eligibility standards could be broadened

House File 1351, the Omnibus Transportation Policy bill, was introduced by Rep. Frank Hornstein (DFL – Minneapolis) to include language that broadens the eligibility for railroads participating in the state Minnesota Rail Service Improvement (MRSI) program. Similar language will be included in Senate version. The MRRA will be seeking additional funding for the program in next year's bonding bill.