

Introduced by

Senators Sinner, Murphy, Warner

Representatives Guggisberg, Muscha, Onstad

1 A BILL for an Act to create and enact a new section to chapter 49-11 of the North Dakota
2 Century Code, relating to the rail safety committee; to amend and reenact 57-43.2-19 of the
3 North Dakota Century Code, relating to special fuels excise taxes collected on sales of diesel
4 fuel to a railroad; to provide a continuing appropriation; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 49-11 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Rail safety committee.**

9 The rail safety committee consists of five members. The public service commission shall
10 appoint three members, one of whom shall represent the department of transportation and shall
11 serve an initial term of three years, one of whom shall represent railroad train service labor and
12 shall serve an initial term of two years, and one of whom shall represent law enforcement and
13 shall serve an initial term of one year. At the conclusion of the initial terms, the members
14 appointed by the public service commission shall serve terms of three years. The governor shall
15 appoint two members, one of whom shall represent rural areas and shall serve an initial term of
16 four years and one of whom shall represent cities of more than five thousand population and
17 shall serve an initial term of two years. At the conclusion of the initial terms, the members
18 appointed by the governor shall serve terms of four years. Committee members may be
19 reappointed and may be removed by the appointing authority. The committee shall annually
20 elect a chairman from its membership. The public service commission shall provide staff
21 services to the committee. The committee shall meet at least quarterly at sites within the state
22 designated by the public service commission staff. Committee members are entitled to mileage
23 and expense reimbursement as provided by law for state officers and employees, which shall
24 be paid from the rail safety fund.

1 The rail safety committee shall inventory all accidents or incidents causing a threat to public
2 or environmental safety involving rail lines in this state occurring after 2004. The committee
3 shall obtain and review the best available information on the cause of each such accident or
4 incident, remedial action taken or which could have been taken to avoid recurrence, and
5 whether emergency responses to the accident or incident were appropriate and adequate.

6 The rail safety committee shall inventory all rail crossings where a class 1 or other railroad
7 crosses a school bus route and identify those that have no electronic safety devices or
8 inadequate safety conditions. The committee shall identify the inventoried crossings that have
9 been the scene of an accident or incident and determine if improved safety devices have been
10 or should be installed. The committee shall prioritize the inventoried crossings it recommends
11 for prompt improvement of safety devices, grade changes, or other safety enhancements. The
12 committee shall present its prioritized crossings recommendations to the department of
13 transportation and public service commission, with its recommendation for funding safety
14 enhancements from funds available to the department of transportation and public service
15 commission or from federal sources.

16 The rail safety committee may recommend to state and local government entities desirable
17 enhancements to improve railroad safety and emergency response to railroad accidents or
18 incidents causing a threat to public or environmental safety. The committee may recommend to
19 the public service commission expenditures from the rail safety fund to implement its prioritized
20 crossings recommendations, to provide for training of emergency responders and school bus
21 drivers, or to otherwise enhance or maintain rail safety and accident response in the state. The
22 board may be designated by the public service commission to arrange for completion of
23 projects for which the public service commission has approved funding.

24 **SECTION 2. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**
27 **funds - Continuing appropriation.**

28 All taxes, license fees, penalties, and interest collected under this chapter must be
29 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,
30 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section
31 57-43.2-03 of up to two hundred fifty thousand dollars per year must be transferred to the state

1 treasurer who shall deposit the moneys in the ~~highway-rail-grade-crossing-safety-projects~~rail
2 safety fund. The rail safety fund is appropriated to the public service commission as a standing
3 and continuing appropriation for the purposes described in section 1 of this Act. The highway
4 tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

5 ~~**(Effective after June 30, 2015) Transfer, deposit, and distribution of funds.** All taxes,~~
6 ~~license fees, penalties, and interest collected under this chapter must be transferred to the state~~
7 ~~treasurer who shall deposit moneys in a highway tax distribution fund. The highway tax~~
8 ~~distribution fund must be distributed in the manner as prescribed by section 54-27-19.~~

9 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for special fuels excise
10 taxes collected after June 30, 2015, on sales of diesel fuel to a railroad.