

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 16-06

Establishing the Governor's Council on Freight Rail

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, railroads are critical to the movement of goods in the State of Minnesota, providing energy-efficient transportation of 25% of all freight in Minnesota by weight;

Whereas, the State of Minnesota relies on rail transportation to support a thriving economy by providing producers, manufacturers and consumers with access to world markets;

Whereas, the State of Minnesota's freight rail network is over 4,500 miles with 22 railroads, the 8th highest rail mileage in the nation;

Whereas, the Minnesota Department of Transportation estimates that 25% of current freight travels by rail and that traffic will grow by 25 - 40% by 2040;

Whereas, railroads employ over 4,500 people in the State of Minnesota;

Whereas, derailments especially those involving hazardous materials pose safety risks to our communities, environment and economy;

Whereas, federal agencies have jurisdiction over many aspects of rail safety, ensuring common carrier obligations are met and rates are set fairly;

Whereas, the State of Minnesota participates in the Federal Railroad Administration's State Rail Safety Participation program and Minnesota's Department of Transportation has jurisdiction to inspect track, signal and train control, motive power and equipment, operating practices, hazardous materials,

highway-rail grade crossings, and any other duties described in the federal State Rail Safety Participation program;

Whereas, the State of Minnesota's Department of Transportation coordinates multi-modal transportation planning including aviation, bicycling, freight rail, highways, passenger rail, pedestrians, transit, waterways;

Whereas, the Metropolitan Council, a subdivision of the State of Minnesota, operates rail transit service that can provide benefit from the shared use of existing freight rail corridors;

Whereas, the State of Minnesota's Department of Public Safety provides training and preparedness to local first responders and emergency managers on hazardous materials transported by rail;

Whereas, the State of Minnesota's Pollution Control Agency provides regulatory oversight of railroads' environmental incident response plans and incident response performance to protect the environment and human health;

Whereas, the State of Minnesota's Department of Agriculture provides incident response staff support for rail incidents involving agricultural products and provides other assistance to agricultural producers and shippers;

Whereas, the State of Minnesota's Department of Commerce monitors the transport of energy materials across the state by pipeline or rail;

Whereas, the State of Minnesota's Department of Employment and Economic Development and Iron Range Resource and Rehabilitation Board seek to support economic opportunities and well paid jobs for Minnesotans that can be supported by rail transport;

Whereas, the State of Minnesota's Department of Revenue is responsible for administering and enforcing the assessment and collection of state taxes; and

Whereas, the State of Minnesota is committed to work proactively with federal, state and private stakeholders to foster safe and efficient freight rail operations, support our economy and benefit our local communities.

Now, Therefore, I hereby order that:

1. The Governor's Council on Freight Rail ("Council") be established to elevate coordination and partnership between the state and railroads; to actively promote safety and reduce risks; and to ensure efficient movement of goods to support our economy while minimizing the impacts of those operations to our local communities.
2. The Governor shall serve as the Chair of the Council.
3. The Governor's Rail Director will serve as the Chair of the Council on behalf of the Governor.

4. The Commissioner of the Department of Transportation shall serve as the Vice-Chair of the Council.
5. The Council shall include the other following cabinet members:
 - a. Commissioner of Agriculture;
 - b. Commissioner of Commerce;
 - c. Commissioner of Employment and Economic Development;
 - d. Commissioner of Iron Range Resources and Rehabilitation Board;
 - e. Chair of the Metropolitan Council;
 - f. Commissioner of the Pollution Control Agency;
 - g. Commissioner of Public Safety; and
 - h. Commissioner of Revenue.
6. The Council shall also include, by invitation:
 - a. One representative each from the Class I railroads operating in the state;
 - b. One representative each from three Minnesota Class II and III railroads;
 - c. One representative from Amtrak;
 - d. One city representative designated by the League of Minnesota Cities; and
 - e. One county representative designated by the Association of Minnesota Counties.
7. The Council shall consult with and solicit advice from private industry, governmental entities, labor unions, and nonprofits regarding concerns and opportunities with freight railroads and related activities.
8. The Council shall have the following duties:
 - a. The Council will develop a platform for ongoing communication and dialogue with freight rail operators in the State of Minnesota on key issues such as capacity enhancements, capital improvement priorities, economic development and safety;
 - b. The Council will review and provide direction on an interagency risk assessment that shall identify specific recommendations and changes to enhance safety, if appropriate, in operating practice or administrative rules across agencies and, if applicable, recommendations to external partners on safety improvements;
 - c. The Council will work to study, educate, and collaborate around best practices in the area of supporting freight rail and economic development in our communities; and

- d. The Council will meet at least two times per year and prepare an update on activities to the Governor by February 1, 2017 and each year thereafter.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statute, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 15th day of July, 2016.



Mark Dayton
Governor

Filed According to Law:



Steve Simon
Secretary of State

