

Introduced by

Transportation Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact sections 49-17.1-02, 49-17.1-03, and 49-17.1-04 of the  
2 North Dakota Century Code, relating to rail service assistance.

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

4 **SECTION 1. AMENDMENT.** Section 49-17.1-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **49-17.1-02. Department of transportation as designated state agency.**

7 The department, with the ~~approval~~cooperation of the commission, is authorized to exercise  
8 those powers necessary for the state to qualify for rail service assistance grants pursuant to  
9 provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90  
10 Stat. 149; 49 U.S.C. 1651 et seq.], including authority to:

- 11 1. Prepare and recommend a state plan for all rail transportation and local rail services.
- 12 2. Administer and coordinate the state plan.
- 13 3. Provide in the plan for the equitable distribution of rail service assistance grants  
14 among state, local, and regional transportation authorities.
- 15 4. Promote and support safe, adequate, and efficient rail services for those railway lines  
16 receiving rail service assistance grants.
- 17 5. Employ sufficient trained and qualified personnel for these purposes.
- 18 6. Maintain adequate programs of investigation, research, promotion, and development  
19 in connection with these purposes and to provide for public participation therein.
- 20 7. Provide satisfactory assurances on behalf of the state that fiscal control and fund  
21 accounting procedures will be adopted by the state as may be necessary to assure  
22 proper disbursement of an account for federal funds paid to the state as rail service  
23 assistance grants.

1           8.    Comply with the regulations of the secretary of transportation of the United States  
2                   department of transportation affecting rail service assistance grants.

3           9.    Do all things otherwise necessary to maximize federal assistance to the state under  
4                   the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210;  
5                   90 Stat. 149; 49 U.S.C. 1651 et seq.], and any amendments to it.

6           **SECTION 2. AMENDMENT.** Section 49-17.1-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **49-17.1-03. Application for assistance.**

9           The department, ~~with the approval of the commission,~~ may make application on behalf of  
10 the state for grants made available by the secretary of transportation under the Railroad  
11 Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C.  
12 1651 et seq.].

13          **SECTION 3. AMENDMENT.** Section 49-17.1-04 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15          **49-17.1-04. Use of public and private funds - Public service commission participation.**

16          The department, with the ~~approval~~cooperation of the commission, may utilize public and  
17 private funds appropriated by the legislative assembly in carrying out the purpose of this  
18 chapter. The department shall cooperate with the commission and with other states in the  
19 reorganization or reopening of any railway line which may have been abandoned by any railway  
20 corporation providing railway services within the state. In carrying out the authority conferred by  
21 this section, the department may enter into agreements, contracts, or other arrangements with  
22 the necessary parties to accomplish the purposes of this chapter.