

§7153. Hearings and report

1. Request for hearing. The department shall hold a hearing with regard to a railroad line if requested by any of the following:

A. A shipper or shippers whose traffic on the railroad line totaled 500 tons in the year immediately preceding the application; [PL 1989, c. 398, §7 (RPR).]

B. Any municipality having a siding, terminal, station or agency station of the railroad line within its bounds; or [PL 1989, c. 398, §7 (RPR).]

C. A financially responsible person. [PL 1989, c. 398, §7 (RPR).]
[PL 1989, c. 398, §7 (RPR).]

2. Notice; testimony at hearing. Not less than 14 days prior to holding a hearing, the department shall send written notice of the date and location to the parties requesting a hearing as well as the affected railroad company. In addition, the department shall publish 2 notices of the hearing in a newspaper of general circulation in the area of the State affected. Testimony received at the hearing may include the following:

A. Whether the railroad has adequate rail service to fulfill public convenience and necessity; [PL 1989, c. 398, §7 (RPR).]

B. Whether the operator of the railroad is providing safe, efficient and reliable rail service; [PL 1989, c. 398, §7 (RPR).]

C. Whether the rail service over the railroad has substantially impaired the ability of the shippers or municipalities that depend upon it; [PL 1989, c. 398, §7 (RPR).]

D. Whether the operation of the railroad has endangered the lives or property of the citizens of this State, including railroad employees; [PL 1989, c. 398, §7 (RPR).]

E. Whether the operator of the railroad has refused or failed within a reasonable time to make necessary improvement to provide safe, efficient and reliable rail service; and [PL 1989, c. 398, §7 (RPR).]

F. Other relevant issues. [PL 1989, c. 398, §7 (RPR).]
[PL 1989, c. 398, §7 (RPR).]

3. Report. Upon conclusion of the hearing, the department shall issue a report concerning the operation of the railroad which shall be forwarded to the petitioning parties as well as the railroad company. In addition, this report shall be presented to the Governor as well as the President of the Senate and the Speaker of the House of Representatives. The department may also forward this report to the Interstate Commerce Commission, the Federal Railroad Administration or any other federal agency which is involved in the regulation of railroads.
[PL 1989, c. 398, §7 (RPR).]

SECTION HISTORY

PL 1987, c. 748 (NEW). PL 1989, c. 398, §7 (RPR).

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