

\$600, together with the last known address of such employee or official.

Approved April 22, 1965.

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CHAPTER 245—S. F. No. 1101

*An act relating to highway railroad grade crossing protection; amending Minnesota Statutes 1961, Section 219.40, as amended.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 219.40, as amended by Laws 1963, Chapter 458, Section 2, is amended to read:

**219.40 Railroad regulations; determination; order; flagmen or safety device.** The commission shall decide the matter set forth in the complaint and make a report in writing thereof, including findings of fact, and make such order as it shall deem proper in the premises and, if the commission shall find the crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device as the commission may deem necessary for the proper protection of the crossing, or it may require the removal of any structure, embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state highway department interested, on such terms and conditions as to the commission may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the commission may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, village, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the commission. If the railroad and warehouse commission *after notice and hearing* orders the installation of a safety device, gates, flagmen or other type of special protection, or the

**Changes or additions indicated by italics, deletions by strikeout.**

removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, *it may in the same order direct that the costs of such removal of a structure, embankment or other obstruction to the view and the cost of installation of a safety device, gates, flagmen or other type of special protection or the construction, reconstruction, and maintenance of an underground or overhead crossing shall be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then as determined by the railroad and warehouse commission after notice and hearing on the basis of benefit to the users of each; or the commission may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken.* Where a state trunk highway is involved, the state's share of the costs shall be paid from ~~the state trunk highway fund~~ *any funds available to the department of highways.* In all other cases the public's share of the costs shall be paid from available ~~federal highway allocations; from highway user taxes allocated to a road authority as defined in Minnesota Statutes, Section 160.02;~~ *funds or from the Minnesota highway safety account, if ordered by the commission, or from any combination of the above or other available funds; as the railroad and warehouse commission shall by order determine;* provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.

Approved April 22, 1965.

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CHAPTER 246—S. F. No. 1117

[Not Coded]

*An act authorizing the conveyance of certain state owned land in Olmsted county to the city of Rochester.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Conveyance of state lands; city of Rochester.** The governor, upon the recommendation of the commissioners of welfare and administration, shall transfer and convey by quit claim deed in such form as the attorney general may approve in the name

**Changes or additions indicated by italics, deletions by strikeout.**