

CHAPTER 397—H.F.No. 404

An act relating to railroads; providing for designation of exempt railroad grade crossings; requiring stop signs at railroad grade crossings; amending Minnesota Statutes 1986, sections 169.28; and 219.20.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 169.28, is amended to read:

169.28 CERTAIN VEHICLES TO STOP AT RAILROADS.

Subdivision 1. STOP REQUIRED. The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any vehicle carrying explosive substances or flammable liquids, or liquid gas under pressure as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than ten feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until safe to do so.

~~No stop need be made at any crossing where a police officer or a traffic-control signal directs traffic to proceed.~~

~~No stop need be made at a crossing on a rail line on which service has been abandoned and where a sign erected in conformance with section 169.06 and bearing the word "Exempt" has been installed; unless directed otherwise by a flagger. The installation or presence of an exempt sign shall not relieve any driver of the duty to use due care.~~

~~This section shall not apply at street railway grade crossings within a business or residence district.~~

A school bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate.

Subd. 2. EXEMPT CROSSINGS. The commissioner may designate a crossing as an exempt crossing if the crossing is:

(1) on a rail line on which service has been abandoned; or

(2) on a rail line that carries fewer than five trains each year, traveling at speeds of ten miles per hour or less.

The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care. A train must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the train enters the crossing.

Changes or additions are indicated by underline, deletions by strikeout.

A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

Sec. 2. Minnesota Statutes 1986, section 219.20, is amended to read:

219.20 STOP SIGNS.

Subdivision 1. **WHEN INSTALLATION REQUIRED; PROCEDURE.** At each grade crossing where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for persons approaching the crossing to stop before crossing the railroad tracks, stop signs must be installed. ~~The commissioner may designate a crossing requiring this additional protection~~ When the government entity responsible for a road that crosses a railroad track deems it necessary to install stop signs at that crossing, it shall petition the commissioner to order the installation of the stop signs. The commissioner shall respond to the petition by investigating the conditions at the crossing to determine whether stop signs should be installed at the crossing. On determining, after an investigation following a petition from a governmental agency or subdivision or on the commissioner's own motion, that stop signs should be installed at a crossing, the commissioner shall designate the crossing as a stop crossing and shall notify the railway company operating the railroad at the crossing of this designation. Within 30 days after notification, the railway company shall erect the uniform stop crossing signs ~~in conspicuous places on each side of the crossing in accordance with the commissioner's order.~~

Subd. 2. **STOPPING DISTANCES.** When a stop sign has been erected at a railroad crossing, the driver of a vehicle approaching a railroad crossing shall stop within 50 feet, but not less than ten feet, from the nearest track of the crossing and shall proceed only upon exercising due care.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Approved June 4, 1987

CHAPTER 398—H.F.No. 753

An act relating to education; providing aids for education and the distribution of tax revenues; providing aids to libraries; appropriations to the academies for the deaf and the blind, and the department of education; changing secondary pupil unit weighting; establishing general education revenue composed of basic compensatory education, training and experience, and sparsity revenue; combining certain categorical aids; increasing the community education formula; changing the capital expenditure formula; providing for special instruction and services for handicapped children from birth; establishing program improve-

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