

**CHAPTER 229—H.F.No. 2217**

*An act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.*

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

Section 1. Minnesota Statutes 2002, section 169.26, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** (a) Except as provided in section 169.28, subdivision 1, when any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. These requirements apply when:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train; or

(2) an approaching railroad train is plainly visible and is in hazardous proximity.

(b) The fact that a moving train approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.

(c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when a human flagger signals the approach or passage of a train or when a crossing gate is lowered warning of the immediate approach or passage of a railroad train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

Sec. 2. Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1, is amended to read:

Subdivision 1. **STOP REQUIRED.** (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle that is required to stop at railroad grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more than 50 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 and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. The driver must not shift gears while crossing the railroad tracks.

(b) A school bus or Head Start bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) A type III school bus, as defined in section 169.01, is exempt from the requirement of school buses to stop at railroad grade crossings.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 1:30 p.m.

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#### CHAPTER 230—H.F.No. 1897

*An act relating to water; providing for the consumptive use of groundwater.*

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

##### Section 1. CONSUMPTIVE USE OF GROUNDWATER.

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the consumptive use of groundwater under a permit of more than 2,000,000 gallons per day average in a 30-day period in Golden Valley, Crystal, and New Hope in connection with a municipal water supply system operated under a joint powers agreement, subject to a determination by the commissioner of natural resources that the water remaining in the basin of origin will be adequate to meet the basin's need for water and subject to subsequent approval by the commissioner.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 1:10 p.m.

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#### CHAPTER 231—H.F.No. 2085

*An act relating to health; specifying status of certain grants and loans to rural hospitals; providing for review of hospital moratorium exceptions; appropriating money; amending Minnesota Statutes 2002, section 144.148, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.*

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

Section 1. Minnesota Statutes 2002, section 144.148, is amended by adding a subdivision to read:

**Subd. 9. STATUS OF PREVIOUS AWARDS.** The commissioner must regard grants or loans awarded to eligible rural hospitals before August 1, 1999, as grants subject to the conditions of this section and not subject to repayment as loans under Minnesota Statutes 1998, section 144.148.

New language is indicated by underline, deletions by ~~strikeout~~.