

MINNESOTA STATUTES 1975 SUPPLEMENT

214.09 EXAMINING AND LICENSING BOARDS

fails to prepare and submit the report required by section 214.07, or (3) after missing three consecutive meetings. The chairman of the board shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that he may be removed if he misses the next meeting. In the case of a vacancy on the board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

[1975 c 136 s 51]

CHAPTER 218. COMMON CARRIERS, RAIL TRANSPORTATION

Sec.
218.031 Common carriers, duties.

218.031 Common carriers, duties.

[For text of subd 1, see M.S.1974]

Subd. 2. Every common carrier shall furnish to the department:

(1) All schedules of rates, fares and charges, every part and classification thereof, together with minimum weights and rules with respect thereto, and any and all amendments, modifications or changes therein.

(2) All information duly required in blanks and forms furnished by the department.

(3) A copy of all annual reports and valuation data furnished to the Interstate Commerce Commission not later than June 30th, covering the preceding calendar year, together with any additional information regarding valuation of its properties requested by the department.

(4) A report of accidents, wrecks and casualties occurring in this state in such manner and form and at such times as prescribed by the department. All such reports administered by the department of public safety shall be received and administered in accordance with the provisions of section 169.09, subdivision 13. All other reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.

(5) All tariff agreements or arrangements with other carriers.

(6) All joint schedules of rates, fares or classifications.

[1975 c 313 s 1]

CHAPTER 219. COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES

Sec.		Sec.	
219.39	Dangerous crossings; complaints; hearings.	219.661	Speedometers on locomotives. [New]
219.40	Determination; order; flagmen or safety device.	219.662	Speedometers as required equipment; reports. [New]
219.562	Motor vehicles designed for highway use; equipment.	219.753	Cranes operating on railroad tracks; electrical line detectors; penalty. [New]

219.39 Dangerous crossings; complaints; hearings.

Upon written complaint authorized by a majority vote of the members of the council of any city, or by the board of supervisors of any town, or board of county commissioners of any county in this state, or by the commissioner of

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COMMON CARRIERS; RAILROADS; REGULATIONS 219.562

highways, filed with the department, by the chief executive officer of the city, the chairman of the board of supervisors or the county commissioners, or the commissioner of highways, as the case may be, that any railroad crossing with any street in the city, or town or county road, or state aid road or trunk highway, is dangerous to life and property, and giving the reasons therefor, the department shall proceed to investigate the matters contained in the complaint, and, where necessary, convene a hearing, at a time and place to be fixed by the department, after such notice to the complainant and the railroad as the department may deem reasonable.

[1975 c 313 s 2]

219.40 Determination; order; flagmen or safety device.

The department shall decide the matter set forth in the complaint and make a proposal for decision in writing, including findings of fact, and make such proposed order as it shall deem proper in the premises and, if the department 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 department 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 department 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 department may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, 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 department. If the complainant or the railroad files exceptions to a proposal for a decision made without a hearing, the department shall convene a hearing and if the department of public service after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by the department, of said safety device, gates, or other type of special protection, or the 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 thereof 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 the costs thereof shall be as determined by the department of public service on the basis of benefit to the users of each; or the department 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 any funds available to the department of highways. In all other cases the public's share of the costs shall be paid from available funds or from the Minnesota highway safety account, if ordered by the department, or from any combination of the above or other available funds; 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.

[1975 c 313 s 3]

219.562 Motor vehicles designed for highway use; equipment.

Subdivision 1. Any motor vehicle designed for highway use and used by any railroad company operating in this state for transporting employees, tools

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219.562 COMMON CARRIERS; RAILROADS; REGULATIONS

and supplies shall be equipped so as to provide:

- (a) Adequate heating in all kinds of inclement weather;
- (b) Adequate safe seating facilities so that each employee so transported may be seated;
- (c) A communication system between the cab and the rear compartment;
- (d) Suitable and adequate containers or boxes to hold tools, equipment and supplies, so located and attached to the vehicle that the containers or boxes and the tools, equipment or supplies will not shift, topple or roll;
- (e) Toilet facilities if the motor vehicle is used to transport more than nine employees to and from headquarters;
- (f) In the event of emergency arising from common disaster or adverse weather, such as flooding, washout, excessive snow or icing, or derailment or defect in track requiring prompt repair, motor vehicles which do not meet the above standards may be used only for the duration of the emergency.

Subd. 2. [Repealed, 1975 c 282 s 2]

[1975 c 282 s 1]

[For text of subds 3 and 4, see M.S.1974]

219.661 Speedometers on locomotives.

The legislature of the state of Minnesota finds that the safe operation of steam, diesel, electric or otherwise propelled locomotives within the state, requires that all steam, diesel, electric or otherwise propelled locomotives operated by common carriers by rail within the state be equipped with fully operable speedometers within view of the engineer or operator of such locomotive.

[1975 c 406 s 1]

219.662 Speedometers as required equipment; reports.

Subdivision 1. No railroad locomotive shall be operated without a speedometer or speed recorder functioning correctly within three miles per hour and within the view of the engineer or operator of such locomotive.

Subd. 2. A railroad shall be deemed to be in compliance with the provisions of subdivision 1 if, by the first day of October 1975, it has at least one-third of its locomotives equipped with speed indicators or speed recorders as required in subdivision 1, and if, by the first day of October 1976, an additional one-third of said locomotives shall be so equipped, and if, by the first day of October 1977, the remainder of its locomotives shall be so equipped.

Subd. 3. Locomotives operated or used exclusively within designated yard limits in switching service need not be equipped in accordance with the provisions of this section.

Subd. 4. In the event of the failure of the required equipment which occurs after a locomotive has commenced to move in service, the railroad operating that locomotive shall not be deemed in violation of sections 219.661 and 219.662 if said defect is corrected at the next initial terminal, as defined in section 219.551, subdivision 2, at which initial terminal regular maintenance forces are available to repair or replace such equipment.

Subd. 5. Each such railroad shall notify the department of public service of the date that each such locomotive comes into compliance with the provisions of this section. The notification shall state the serial number or other identification of the locomotive.

Subd. 6. Each railroad affected by the provisions of this section shall maintain at a designated location a list or schedule of the locomotives hereinabove referred to. It shall set forth, along with other information, the date that the speed indicator or speed recorder referred to herein was calibrated and found to be functioning in accordance with the provisions of this section. It shall advise the department of public service as to such location.

Subd. 7. The department of public service shall enforce the provisions of

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MOTOR VEHICLE CARRIERS 221.011

this section and may issue such order or orders as may be proper to require compliance therewith.

[1975 c 406 s 2]

219.753 Cranes operating on railroad tracks; electrical line detectors; penalty.

A crawler crane, a locomotive crane or a truck crane, as defined in the definitions of occupational safety and health administration standards of the United States department of labor, which operates upon a railroad track, with a boom which extends 12 feet or more vertically above the ground or the rails must be equipped with a warning device able to detect any electrical line which comes within 15 feet of the boom. When an electrical line is detected, no person is required to operate the crane unless the electricity is shut off or the electrical line is rerouted in a manner to prevent contact with the machine. Violation of this section by any person or corporation is a misdemeanor.

[1975 c 286 s 1]

(NOTE: Laws 1975, Chapter 286, Section 2, reads as follows:

"Sec. 2. A railroad company operating a crane specified in section 1 shall be deemed to be in compliance with the provisions of section 1 if by October 1, 1975 it has one-third of its specified cranes equipped with a warning device as required in section 1; and, if by October 1, 1976, an additional one-third of said cranes shall be so equipped; and, if by October 1, 1977, the remainder of said cranes shall be so equipped.")

CHAPTER 221. MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS; FOR HIRE, REGULATION

Sec.		Sec.	
221.011	Definitions.	221.141	Insurance or bonds of motor carriers.
221.061	Operation certificate for regular route common carrier or petroleum carrier.	221.151	Permits assignable or transferable.
221.071	Issuance of certificate to regular route common carrier or petroleum carrier.	221.221	Enforcement powers.
221.121	Petition; hearing; issuance; renewal.	221.291	Violations, penalties.
221.131	Permits; terms, fees, identification cards.	221.293	Violations; complaint, hearing, cease and desist orders.
		221.296	Local cartage carriers.
		221.64	Registration fee; exemptions.

221.011 Definitions.

[For text of subs 1 to 15, see M.S.1974]

Subd. 16. "For hire" means for remuneration or compensation of any kind promised, paid or given to or received by a person for the transportation of persons or property on the highways.

[For text of subs 17 to 21, see M.S.1974]

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1, paragraph 4a.