

CHAPTER 219

COMMON CARRIERS; RAILROADS;
REGULATIONS, LIABILITIES

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|---------|--|---------|--|
| 219.01 | Construction of railroads. | 219.53 | Contributory negligence. |
| 219.06 | Signs at crossings. | 219.54 | Freight platforms. |
| 219.071 | Maintenance of grade crossing surfaces. | 219.55 | Loading platforms. |
| 219.072 | Establishment of new grade crossings. | 219.551 | Locomotives; water and toilet facilities. |
| 219.08 | Crossings; change of grade. | 219.56 | Caboose cars. |
| 219.09 | Where more than one track crosses highway; duty of railroad. | 219.561 | Track motor cars; equipment. |
| 219.10 | Penalty for violation. | 219.562 | Motor vehicles designed for highway use; equipment. |
| 219.13 | Farm crossing. | 219.565 | Engineers who cannot read. |
| 219.14 | Railroad crossings protected. | 219.566 | Intoxication of employees on trains or boats. |
| 219.16 | Grade crossing. | 219.567 | Failure to ring bell. |
| 219.17 | Uniform warning signs. | 219.568 | Other violations of duty. |
| 219.18 | Railroad to erect signs. | 219.57 | Prevention of fire. |
| 219.19 | Additional warning signs; road authority to provide. | 219.64 | Assumption of risk; contributory negligence. |
| 219.20 | Stop signs. | 219.661 | Speedometers on locomotives. |
| 219.22 | Stop, look, and listen. | 219.662 | Speedometers as required equipment; reports. |
| 219.23 | Watchmen; railroads to provide. | 219.681 | Removal of railroad tracks. |
| 219.24 | Additional safeguards. | 219.69 | Railroad shops or terminals may not be abandoned. |
| 219.26 | Grade crossings; uniformity of devices for protection. | 219.691 | Violation; forfeiture. |
| 219.27 | Vacating or relocating crossings; hearings. | 219.692 | Treble damages. |
| 219.28 | Overhead or underground crossings; separate grades. | 219.695 | Terminal, shop. |
| 219.29 | Obstructing signs. | 219.70 | Application to abandon; power of board. |
| 219.30 | Injuring, destroying signs. | 219.71 | Hearing; order. |
| 219.31 | Fences and cattle guards. | 219.741 | Application for removal. |
| 219.32 | Failure to fence; liability. | 219.743 | Exceptions. |
| 219.33 | Fences; crossings; cattle guards. | 219.751 | Restoration of tracks for service. |
| 219.34 | Fences between railroad and public road. | 219.753 | Cranes operating on railroad tracks; electrical line detectors; penalty. |
| 219.35 | Crossings and drains. | 219.755 | Section 645.35 not to apply. |
| 219.36 | Gates at farm crossings. | 219.76 | Fire caused by engine; insurable interest. |
| 219.37 | Ditches and culverts. | 219.761 | Locomotive fires; reimbursement for extinguishment. |
| 219.383 | Safe operation of trains over streets and highways; penalty. | 219.77 | Liability of corporations for employee's injury or death. |
| 219.39 | Dangerous crossings; complaints; hearings. | 219.79 | Contributory negligence not to bar. |
| 219.40 | Determination; order; flagmen or safety device. | 219.80 | Assumption of risk no defense. |
| 219.403 | Not to affect existing laws relating to municipalities. | 219.81 | Contrary contracts declared void. |
| 219.41 | Appeal; order, how enforced. | 219.815 | Employer. |
| 219.42 | Failure to comply; penalty. | 219.82 | Survival of right of action. |
| 219.44 | Charter powers not abridged. | 219.83 | Limitation. |
| 219.45 | Clearance between structure and cars. | 219.85 | Railroad stations, agency service. |
| 219.46 | Unlawful structures; clearances. | 219.88 | Stations; name of city; exceptions. |
| 219.47 | Exceptions. | 219.92 | New roads; notice; filing of maps and profiles. |
| 219.50 | Obstructing space between tracks. | 219.93 | Stopping trains at crossings. |
| 219.51 | Penalties. | 219.97 | Forfeitures; violations; penalties. |
| 219.52 | Warning signs; structures in clearances. | | |

NOTE: For penalties for the violation of the provisions of this chapter, see section 235.13.

219.01 CONSTRUCTION OF RAILROADS.

The United States department of transportation and federal railroad administration track safety standards shall apply to all railroad trackage and shall be standard for determination of unsafe trackage within the state.

History: *RL s 1992; 1980 c 460 s 7 (4728)*

219.02 [Repealed, 1980 c 460 s 32]

MINNESOTA STATUTES 1984

4765

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.071

219.03 [Repealed, 1980 c 460 s 32]

219.04 [Repealed, 1980 c 460 s 32]

219.05 [Repealed, 1980 c 460 s 32]

219.06 SIGNS AT CROSSINGS.

Every railroad company shall maintain, wherever any of its lines crosses a public road, a proper and conspicuous sign indicating such crossings. Any such company failing to comply with any requirement of this section shall forfeit to the town or municipality having charge of such road \$10 for each day such failure continues.

History: *RL s 1994 (4733)*

219.07 [Repealed, 1980 c 460 s 32]

219.071 MAINTENANCE OF GRADE CROSSING SURFACES.

Subdivision 1. It is the primary responsibility of the owner or lessee of railroad track in Minnesota to maintain grade crossing surfaces over public highways in a safe and passable condition for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces shall extend the full width of the public highway within the railroad track structure.

Subd. 2. If a grade crossing surface, as defined in section 219.16, is in need of repair or maintenance, the cost for the repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds that may be available to the department for grade crossing surfaces from the following sources:

(1) Moneys appropriated to the department in the future for the purposes of this section.

(2) Available federal funds allocated to this state for the grade crossing program established by this section.

(3) Moneys acquired by the department from any gift, grant or contributions from any source for purposes of this section.

Subd. 3. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade crossing surface, a copy of the agreement shall be filed with the commissioner. If the parties to the negotiations contemplate the use in whole or in part of the funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.

Subd. 4. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade crossing surface, either party may invoke the jurisdiction of the department by filing with the commissioner a statement setting forth the status of negotiations and requesting the commissioner to make a final determination of the dispute. The commissioner, after written notice to the parties involved in the negotiations and after providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the grade crossing surface within a reasonable time as is needed to comply with standards set forth in subdivision 1 above. The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project

by the road authority or the funds available to the department in subdivision 2 above or other formulas as may be practical and reasonable under the circumstances. A party failing to comply with an order of the commissioner shall be subject to a penalty of \$50 for each day of noncompliance and each day shall constitute a separate offense, to be recovered for the state in a civil action instituted by the department.

Subd. 5. A party subject to an order issued pursuant to subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located; and, in case of appeal, the same proceedings shall be conducted as are now provided by law for an appeal from orders of the commissioner. All orders of the commissioner shall be enforced by the attorney general.

History: 1980 c 460 s 8

219.072 ESTABLISHMENT OF NEW GRADE CROSSINGS.

The establishment of all new grade crossings shall be approved by the commissioner. When it is desired, either by the public officials having the necessary authority or by the railroad company, to establish a new grade crossing and an agreement cannot be reached between the public officials and the railroad company, either as to need, location, or type of warning devices required, either party may file a petition with the commissioner setting forth the facts and submitting the matter for determination. The commissioner, after notice as he shall deem reasonable, shall conduct a hearing and issue his order determining the matters so submitted.

History: 1980 c 460 s 9

219.08 CROSSINGS; CHANGE OF GRADE.

When any railroad company changes or raises the grade of its tracks at any crossing it shall also grade the approaches on each side so as to make the approach and crossing of the tracks safe for vehicles.

History: 1911 c 329 s 1; 1980 c 460 s 10 (4735)

219.09 WHERE MORE THAN ONE TRACK CROSSES HIGHWAY; DUTY OF RAILROAD.

When any such railroad companies have more than one track crossing such highways, it shall be unlawful to raise or maintain one such track at a higher grade than the other tracks; and it shall cause all such tracks to be raised or lowered to about the same level so as not to endanger the safe passage of teams and other vehicles over such tracks at such crossings.

History: 1911 c 329 s 2 (4736)

219.10 PENALTY FOR VIOLATION.

Subdivision 1. **Noncompliance, penalty.** Every railroad company who shall refuse or neglect to comply with the provisions of sections 219.08 and 219.09 for the space of 30 days after having been notified to comply in writing by any road authority shall be guilty of a violation of sections 219.08 and 219.09 and shall be subject to a fine of \$50 for each day thereafter that such crossing is left in such dangerous and unsafe condition and each such day shall constitute a separate offense.

Subd. 2. **Duty of county attorney.** The county attorney of any county may institute court proceedings for the collection of the fines, together with all costs and

MINNESOTA STATUTES 1984

4767

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.18

disbursements on the part of the road authority making the complaint, together with \$100 attorney's fees for each prosecution.

History: 1911 c 329 s 3; 1980 c 460 s 11 (4737)

219.11 [Repealed, 1980 c 460 s 32]

219.12 [Repealed, 1980 c 460 s 32]

219.13 FARM CROSSING.

Any railroad company constructing a railroad so as to leave parts of any farm on different sides of such road shall construct a proper farm crossing at some place convenient for such farm.

History: RL s 1996 (4740)

219.14 RAILROAD CROSSINGS PROTECTED.

Subdivision 1. **Investigation.** The board on its own motion may investigate and determine whether any railroad crossing over any street or public highway now or hereafter established and traveled or to be traveled in this state is or will be when opened to public travel dangerous to life and property, or either, and may order the same protected in any manner it may find reasonable and proper, including requiring the company to separate the grades.

Subd. 2. **Hearing.** The board shall give the interested railroad company and road authority such notice of the investigation as it deems reasonable, and an opportunity to be heard before any order is made.

History: 1919 c 434 s 1,2; 1921 c 500 s 1; 1971 c 25 s 67; 1976 c 166 s 22; 1980 c 460 s 12; 1980 c 534 s 28 (4741, 4742)

219.15 [Renumbered 219.14, subd 2]

219.16 GRADE CROSSING.

When the term "grade crossing" is used in this chapter it means the intersection of a public highway and of the tracks of any railroad, however operated, on the same plane or level, except street railways within city limits.

History: 1925 c 336 s 1; 1973 c 123 art 5 s 7 (4743-1)

219.17 UNIFORM WARNING SIGNS.

The commissioner by rule shall require that uniform warning signs be placed at grade crossings in this state. There shall be at least three distinct types of such warning signs: a home crossing sign, for use in the immediate vicinity of the crossing, an approach crossing sign, to indicate the approach to a grade crossing, and a stop sign when deemed necessary, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing.

History: 1925 c 336 s 2; 1971 c 25 s 67; 1976 c 166 s 23; 1980 c 460 s 13 (4743-2)

219.18 RAILROAD TO ERECT SIGNS.

At each grade crossing in this state hereafter established and at each grade crossing where and when the existing crossing signs are replaced the railway company operating the railroad thereat shall erect and maintain on the highway on

MINNESOTA STATUTES 1984

each side of the railroad track or tracks and within a distance of 75 feet from the nearest rail, one or more of such uniform home crossing signs.

History: 1925 c 336 s 3 (4743-3)

219.19 ADDITIONAL WARNING SIGNS; ROAD AUTHORITY TO PROVIDE.

At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home crossing signs, approach warning signs shall be installed. The commissioner may designate any grade crossings requiring additional signs on either or both sides of the crossing. When any crossing is designated by the commissioner as requiring additional protection, he shall notify the road authority having the care of the highway. The road authority shall, within 30 days after notification, furnish and maintain uniform signs in the appropriate places on the highway on either or both sides of the grade crossings.

History: 1925 c 336 s 4; 1971 c 25 s 67; 1976 c 166 s 24; 1980 c 460 s 14 (4743-4)

219.20 STOP SIGNS.

Subdivision 1. At each grade crossing where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for all persons approaching the same to stop before crossing the railroad tracks thereat, such stop signs shall be installed. The commissioner may designate any such crossing requiring such additional protection as a stop crossing, and shall notify the railway company operating the railroad thereat of such designation. Within 30 days after such notification it shall be the duty of such railway company to erect such uniform stop crossing signs in conspicuous places on each side of the crossing.

Subd. 2. When a stop sign has been erected at a railroad crossing the driver of any vehicle 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.

History: 1925 c 336 s 5; 1971 c 25 s 67; 1976 c 166 s 25 (4743-5)

219.21 [Repealed, 1982 c 444 s 7]

NOTE: See also sections 169.28 and 169.29.

219.22 STOP, LOOK, AND LISTEN.

Before proceeding across the railroad track at any crossing marked with such stop sign, it shall be the duty of all persons controlling the movement of vehicles to bring such vehicles to a full stop and to ascertain whether or not trains are approaching such crossing.

History: 1925 c 336 s 7 (4743-7)

219.23 WATCHMEN; RAILROADS TO PROVIDE.

In any investigation instituted by the commissioner or upon complaint and after opportunity for hearing, the board finds that a watchman is necessary for the protection of life and property at any grade crossing, it shall order the railway company operating the railroad thereat to provide a watchman and shall specify in the order the hours during which the presence of the same is required. It shall

MINNESOTA STATUTES 1984

4769

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.28

thereupon be the duty of the railway company to provide a watchman during that time. The watchman shall have full control over the traffic at this crossing.

History: 1925 c 336 s 9; 1971 c 25 s 67; 1976 c 166 s 26; 1980 c 460 s 15; 1980 c 534 s 29 (4743-9)

219.24 ADDITIONAL SAFEGUARDS.

In any investigation instituted upon the commissioner's own motion or upon complaint and after notice and hearing, the board finds that conditions exist at any grade crossing which in its opinion require any additional safeguards for the protection of life and property, such as crossing gates or other suitable devices, the board shall specify the nature of the devices required and may order the railway company operating the railroad at such crossing to install the same.

History: 1925 c 336 s 10; 1971 c 25 s 67; 1976 c 166 s 27; 1980 c 534 s 30 (4743-10)

219.25 [Repealed, 1980 c 460 s 32]

219.26 GRADE CROSSINGS; UNIFORMITY OF DEVICES FOR PROTECTION.

It shall be the duty of the commissioner, so far as practicable, to secure uniformity in the devices used to protect grade crossings. No such devices shall be installed until the same have been approved by the commissioner. All such devices which are now in use or which may be hereafter installed, which, in the opinion of the commissioner, conflict with the devices approved by the commissioner, either in their design or method of operation, so as to create a hazardous condition to the travel at such crossing, shall be immediately modified by the railroad company controlling the same so as to conform to those approved by the commissioner.

History: 1925 c 336 s 12; 1971 c 25 s 67; 1976 c 166 s 29 (4743-12)

219.27 VACATING OR RELOCATING CROSSINGS; HEARINGS.

When it is desired, either by the public officials having the necessary authority or by the railway company operating the railroad, to vacate or relocate any crossing of a public highway and a railroad, and an agreement cannot be reached between such public officials and the railway company, either as to such vacation or relocation, or as to the place, manner of construction, or a reasonable division of expense in the case of a relocation, either party may file a petition with the board, setting forth the facts and submitting the matter to it for determination; whereupon the board shall conduct a hearing and shall issue its order determining the matters so submitted; and unless the board finds that the interests and safety of the public require the continued existence of such crossing, it may order the same to be vacated or relocated, as the case may be.

History: 1925 c 336 s 13; 1971 c 25 s 67; 1971 c 571 s 1; 1976 c 166 s 30; 1980 c 534 s 32 (4743-13)

219.28 OVERHEAD OR UNDERGROUND CROSSINGS; SEPARATE GRADES.

The board shall approve the establishment of all overhead or underground crossings or separation of grades.

History: 1925 c 336 s 14; 1971 c 25 s 67; 1976 c 166 s 31; 1980 c 460 s 16; 1980 c 534 s 33 (4743-14)

MINNESOTA STATUTES 1984

219.29 OBSTRUCTING SIGNS.

No person, firm, or corporation shall place or maintain any advertising sign or other similar obstruction upon, over or adjacent to any highway between any such approach sign and the grade crossing which it marks, nor shall any person, firm, or corporation place or maintain, upon, over or adjacent to any public highway in this state any sign or symbol in any manner resembling the signs provided for in sections 219.16 to 219.30.

History: 1925 c 336 s 15 (4743-15)

219.30 INJURING, DESTROYING SIGNS.

It shall be unlawful for any person to maliciously injure, remove, displace, deface, or destroy any of the signs or signals provided for in sections 219.16 to 219.30.

History: 1925 c 336 s 16 (4743-16)

219.31 FENCES AND CATTLE GUARDS.

Every railroad company shall build and maintain on each side of all lines of railroad owned and operated by it, good and substantial fences, and build and maintain good and sufficient cattle guards at all road and street crossings and other openings, except at station and depot grounds, and other places which the necessary business of the road or public convenience requires to be open. When the land of any person lying along the right-of-way of any railroad is enclosed on three sides by a woven wire fence, such railroad company shall erect and maintain a woven wire fence of like character and quality along the right-of-way enclosing the remaining side of the land. In the building and maintenance of these fences and cattle guards, every such company shall be held to the exercise of ordinary diligence and care and to such ordinary diligence and care in keeping such cattle guards free from ice and snow.

History: RL s 1997; 1907 c 333; 1911 c 309 s 1 (4744)

219.32 FAILURE TO FENCE; LIABILITY.

Any railroad company failing to comply with the requirements of section 219.31 shall be liable for all resulting damages, including domestic animals killed or injured by its negligence. If it fails to pay the actual damages caused by the killing or injury within 30 days after the damage occurs, the plaintiff shall recover double costs. The company, before the commencement of an action, may make tender for the injury. If the amount recovered, exclusive of interest, does not exceed the tender, the plaintiff shall not recover costs or disbursements.

History: RL s 1998; 1983 c 359 s 21 (4745)

219.33 FENCES; CROSSINGS; CATTLE GUARDS.

Any railroad company operating a line of railroad in this state, which has failed or neglected to fence the road and to erect crossings and cattle guards, shall be liable for all damages sustained by any person in consequence of such failure or neglect. The measure of damages for failure to construct or maintain such fence shall be as follows: the owner of any land abutting on the line of railway of such company may serve notice on any of its station agents between April 1 and October 1 of any year, requiring the construction of a fence on the line between his land and its right-of-way. If such company shall not construct the same within 40 days after service of such notice, the landowner may recover of the company an amount not exceeding

MINNESOTA STATUTES 1984

4771

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.37

twice the cost of such construction, with costs and reasonable attorney's fee, to be allowed by the court, or he may construct such fence after the expiration of such time and receive from the company double the cost of construction, with like costs and attorney's fee. Such fence shall be kept in repair by such company in like manner and under like penalties as if built by such company. Failure to serve such notice shall not relieve such company from liability for damages for injuries to persons or domestic animals or other property, resulting from failure to fence its road.

History: *RL s 1999 (4746)*

219.34 FENCES BETWEEN RAILROAD AND PUBLIC ROAD.

If any railroad company shall fail to fence its line where the same adjoins a public road or street, or lies so near thereto as to render travel thereon dangerous, the governing body of the town or municipality having charge of such road or street, by notice as in case of abutting landowner, may require such fence to be built; and, in case of failure to build such fence within the time provided in section 219.33, such town or municipality shall have the rights and remedies given by section 219.33 to such abutting owner.

History: *RL s 2000 (4747)*

219.35 CROSSINGS AND DRAINS.

Persons owning lands abutting upon a railroad may construct at their own expense crossings under, over, or across such railroad and drains under and across the same at such places and in such manner as not to obstruct or impair the use of such railroad, which crossings and drains shall be maintained and kept in repair by the railroad company. Before constructing the same, the owner of the land shall serve on the nearest station agent of the company a notice, stating in detail the work which he desires to perform, and the company may construct such work; but the same shall not be opened for the use of the landowner until he pays the reasonable cost of construction.

History: *RL s 2001 (4748)*

219.36 GATES AT FARM CROSSINGS.

Any railroad company, which shall erect at a farm crossing a gate for the exclusive use of the owner and occupants of such farm, provide a lock for the same, and deliver the key thereof to such owner or occupant, shall not be liable to such owner or occupant for any animal killed or injured by reason of such gate being left open without fault of such company, unless such killing or injury results from the wanton or malicious act of such company or its employees.

History: *RL s 2002 (4749)*

219.37 DITCHES AND CULVERTS.

It shall be the duty of every railroad company, or receiver or lessee thereof, operating a line of railroad in the state to keep clean at all times between the first day of April and the first day of November of each year all ditches and culverts constructed by them for the drainage of their roadbed or right-of-way. This section shall not apply to ditches and culverts not located upon the right-of-way of any railroad.

History: *1909 c 377 s 1 (4750)*

219.38 [Repealed, 1957 c 724 s 21]

219.383 SAFE OPERATION OF TRAINS OVER STREETS AND HIGHWAYS; PENALTY.

Subdivision 1. **Rate of speed for trains fixed by board.** The board on petition of any city council or any railway corporation may fix and determine after a hearing a reasonable rate of speed for the operation of an engine or train on and over any railroad crossing of a public highway or street in such city.

Subd. 2. **Maximum rate of speed.** Where the board has fixed the rate of speed of an engine or train over a public highway or street crossing in a city as provided in this section, such rate of speed so fixed shall be the lawful maximum rate of speed at which an engine or train can be operated on and over such public highway or street crossing, until changed by subsequent order of the board.

Subd. 3. **Not to block public roads or streets.** No railway corporation shall permit any public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or a switching movement which continuously blocks a crossing for a longer period than ten minutes, provided, this section shall not apply to cities of the first class which regulate obstruction of streets by ordinance.

Subd. 4. **Penalty.** Any railway corporation violating any provision of this section shall be guilty of a misdemeanor and upon conviction therefor shall be liable for a fine of not less than \$25 nor more than \$100.

History: 1945 c 220 s 1-5; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 32; 1980 c 460 s 17; 1980 c 534 s 34

219.39 DANGEROUS CROSSINGS; COMPLAINTS; HEARINGS.

Upon written complaint authorized by the governing body of any city or county, or by the board of supervisors of any town, or authorized officers of a subject railroad, alleging that any railroad crossing with any street, road or highway in the city, town or county is dangerous to life and property, and giving the reasons therefor, the commissioner shall investigate the matters contained in the complaint, and, where necessary, initiate a hearing before the board.

History: 1911 c 243 s 1; 1923 c 134 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 2; 1976 c 166 s 33; 1980 c 534 s 35; 1Sp1981 c 4 art 2 s 21 (4662)

219.40 DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.

If a complaint is made under section 219.39, the board shall determine after investigation by the commissioner or after hearing whether the crossing is hazardous and may require the railroad company to provide flagmen at the crossing, or to adopt safety devices as the board may deem necessary for the proper protection of the crossing, or may require the removal of any structure, embankment or other obstruction to the view, or 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 transportation department interested, on terms and conditions as may seem just and equitable. The board may 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. If the complainant road authority, or the railroad files exceptions to an order of the board made under this section without a hearing, the board shall convene a hearing on the original complaint. If the board or its designee after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as

MINNESOTA STATUTES 1984

4773

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.42

defined by rule of the board, 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 the basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the board on the basis of benefit to the users of each; or the board 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 transportation. In all other cases the public's share of the costs shall be paid from available funds or from the trunk highway fund, if ordered by the board or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for the 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. Any crossing safety devices or improvements installed or maintained under provisions of this chapter as approved by the board, whether by order or otherwise, shall be deemed adequate and appropriate protection for the crossing.

History: 1911 c 243 s 2; 1913 c 294 s 1; 1923 c 134 s 2; 1951 c 179 s 2; 1959 c 528 s 1; 1963 c 458 s 2; 1965 c 245 s 1; 1967 c 86 s 2; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 3; 1976 c 166 s 7,34; 1977 c 454 s 27; 1980 c 534 s 36; 1Sp1981 c 4 art 2 s 22 (4663)

219.401 [Repealed, 1977 c 454 s 49]

219.403 NOT TO AFFECT EXISTING LAWS RELATING TO MUNICIPALITIES.

Nothing in section 161.20, 219.40, 219.403 or 219.071 shall be construed to change any existing law relating to the rights and liabilities of any city, town, or county in connection with the construction or maintenance of any railroad crossing, grade separation, or signal system, or to impair the terms or conditions of any existing arrangement or agreement, or renewals thereof, between any railroad company and any municipality with reference to the maintenance of any railroad crossing, grade separation, or signal system.

History: 1951 c 179 s 3; 1965 c 51 s 39; 1973 c 123 art 5 s 7; 1980 c 460 s 20

219.41 APPEAL; ORDER, HOW ENFORCED.

Any railroad company, or the city, town or county making the complaint, may appeal from an order of the board to the district court of the county in which the crossing is located; and, in case of such appeal, the same proceedings shall be had as is now provided by law for an appeal from orders of the board. All orders of the board shall be enforced by the attorney general.

History: 1911 c 243 s 3; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 36; 1980 c 534 s 37 (4664)

219.42 FAILURE TO COMPLY; PENALTY.

Any railroad company or any city, town, or county failing to comply with any order of the board that is not appealed from; or, if appealed from, affirmed in whole

MINNESOTA STATUTES 1984

or in part, shall be liable to a penalty of \$50 for each and every day of such noncompliance to be collected in civil action brought by the attorney general.

History: 1911 c 243 s 4; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 37; 1980 c 534 s 38 (4665)

219.43 [Repealed, 1980 c 460 s 32]

219.44 CHARTER POWERS NOT ABRIDGED.

Nothing contained in sections 219.39 to 219.44 shall be construed as repealing, abridging, modifying, or in any manner affecting the power contained in the charter of any city in this state to require railroads to maintain gates, flagmen, or safety devices at public highway crossings therein, or any ordinance now existing or hereafter enacted pursuant to such power.

History: 1911 c 243 s 6; 1973 c 123 art 5 s 7 (4667)

219.45 CLEARANCE BETWEEN STRUCTURE AND CARS.

The provisions of sections 219.45 to 219.53 shall apply to any person, corporation, or anyone owning, operating, or maintaining any structure or obstruction adjacent to any railway tracks and to any corporation or receiver thereof, or to any persons while engaged as common carriers in the transportation by railroad of passengers or property within this state to which the regulative powers of this state extend, except railways operated by the electric trolley system.

History: 1913 c 307 s 1; 1937 c 238 s 1 (4753)

219.46 UNLAWFUL STRUCTURES; CLEARANCES.

Subdivision 1. Structures. On and after the passage of Laws 1913, Chapter 307, it shall be unlawful for any common carrier, or any other person, to erect or reconstruct and thereafter maintain on any standard gauge road on its line or on any standard gauge sidetrack used in connection therewith, for use in any traffic mentioned in section 219.45, any warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction, or in excavating allow any embankment of earth or natural rock to remain upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than eight feet measured from the center line of the track, which structure or obstruction adjoins on standard gauge roads; nor shall any overhead wires, bridges, viaduct or other obstruction passing over or above its tracks as aforesaid be erected or reconstructed at a less height than 21 feet, measured from the top of the track rail.

If after May 1, 1943, overhead structures or platforms or any structures designed only to be used in the loading or unloading of cars are rebuilt or remodeled, then such overhead structures shall be built with an overhead clearance of not less than 22 feet from the top of the rail and such structures or platforms shall be built with a side clearance of not less than eight feet six inches from the center line of the track unless by order the commissioner may provide otherwise.

Laws 1913, Chapter 307, shall not be construed to apply to yards and terminals of depot companies or railway companies used only for passenger service. In the event of personal injury sustained by any employee of any such company in this paragraph mentioned, by reason of noncompliance with the provisions of Laws 1913, Chapter 307, such employee, or in case of his death, his personal representative, shall have all the rights, privileges and immunities enumerated in Laws 1913, Chapter 307, Section 9.

MINNESOTA STATUTES 1984

4775

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.46

On and after May 1, 1943, it shall be unlawful for any common carrier, or any other person, to erect or construct on any standard gauge road on its line or on any standard gauge sidetrack or spur used in connection therewith, for use in any traffic mentioned in section 219.45, any warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction, or in hereafter excavating allow any embankment of earth or natural rock to remain upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than eight feet six inches measured from the center line of the track, which said structure or obstruction adjoins on standard gauge roads, nor shall any overhead wires, bridges, viaduct or other obstruction passing over or above its tracks as aforesaid be erected or constructed at a less height than 22 feet, measured from the top of the track rail.

Subd. 2. Clearances on parallel tracks. On and after May 1, 1943, it shall be unlawful for any such common carrier to construct any track used for the purpose of moving any cars engaged in the movement of traffic where the center line of such track is at a distance of less than 14 feet from the center line of any other parallel track which it adjoins, provided that no ladder tracks shall be in closer proximity to any adjacent ladder track than 19 feet measured from the center line of each track, nor in closer proximity to any other parallel track than 17 feet measured from the center line of each track. The distance between tracks may be diminished or closed up a necessary distance for track intersections, gauntlet tracks, turnouts or switch points.

Subd. 3. May maintain existing structure. It shall not be unlawful for any common carrier or any other person to maintain any overhead structure or structure alongside of a track referred to in sections 219.45 and 219.46 provided that said structure was not erected in violation of law.

Subd. 4. May maintain existing tracks. It shall not be unlawful for any common carrier or any other person to maintain or reconstruct any tracks now in existence which were constructed after April 16, 1913, in accordance with the then existing clearance law or to maintain or reconstruct tracks which, if constructed prior to said date, were constructed with clearances as provided in Laws 1913, Chapter 307, or to maintain or reconstruct tracks built in accordance with the provisions of Laws 1913, Chapter 448. As to tracks that were constructed with a less clearance than 13 feet between center lines prior to April 16, 1913, it is hereby declared that the maintenance of a clearance of less than 13 feet between center lines in railroad switching yards may create a hazard and the commissioner is hereby authorized on petition by an affected party and after hearing, where a greater clearance can be reasonably provided, to require adequate and safe clearances as rapidly as possible in such yards.

Subd. 5. May extend existing yard tracks. It shall not be unlawful to extend existing yard tracks or other tracks at the clearance which now exists between said tracks provided that said tracks were constructed either before or after April 16, 1913, with clearances as provided in Laws 1913, Chapter 307.

Subd. 6. May maintain additional tracks. It shall not be unlawful to construct or maintain additional tracks at less than the required clearance on or under existing bridges which were constructed after April 16, 1913, with clearances as provided in Laws 1913, Chapter 307.

Subd. 7. Order for less clearance. The board after a hearing may authorize in the construction and reconstruction of bridges and tunnels by general order a less clearance than eight feet six inches from the center line of the track at a height of not to exceed six feet above the top of the rail and a clearance of less than eight feet

six inches from the center line of the track at a point which shall not be less than 14 feet 6 inches above the top of the rail.

History: 1913 c 307 s 2; 1915 c 171 s 1; 1937 c 238 s 2; 1943 c 390 s 1-7; 1971 c 25 s 67; 1976 c 166 s 39-41; 1980 c 534 s 40 (4754)

219.47 EXCEPTIONS.

Subdivision 1. **Permanent.** The board may upon application made, after a thorough investigation and hearing in any particular case, permit any common carrier or any person or corporation to which Laws 1913, Chapter 307, as amended, applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, and to construct any track or tracks at a less clearance than herein provided for, and to reconstruct and maintain the same when in the judgment of the commissioner a compliance with the clearance prescribed herein would be unreasonable or unnecessary or the erection or construction of such overhead or side obstruction or tracks or the reconstruction and maintenance of the same at a less clearance than herein provided would not create a condition unduly hazardous to the employees of the common carrier or any person or corporation.

Subd. 2. **Temporary.** The commissioner may upon application made, grant temporary clearance variances with appropriate safeguards without hearing, for statutory encroachments which result from emergency or temporary construction situations.

History: 1913 c 307 s 3; 1915 c 171 s 2; 1937 c 238 s 3; 1943 c 390 s 8; 1971 c 25 s 67; 1976 c 166 s 42; 1980 c 460 s 21; 1980 c 534 s 41 (4755)

219.50 OBSTRUCTING SPACE BETWEEN TRACKS.

It shall be unlawful for any such common carrier or any person or corporation to which sections 219.44 to 219.52 apply to permit the space between or beside such of its tracks as are ordinarily used by yardmen and other employees in the discharge of their duties, and within eight feet six inches of the center line of any such track, to become or remain obstructed by any foreign obstacle that will interfere with the work of the employees or subject the employees to unnecessary hazard. The space between or beside the tracks, as aforesaid, and between the rails of the tracks must be kept in a condition as to permit the employees to pass over or between the tracks or to use the same day or night and under all weather conditions without unnecessary hazard.

History: 1913 c 307 s 6; 1913 c 448 s 1; 1980 c 460 s 22 (4758)

219.51 PENALTIES.

Any common carrier, corporation, or person subject to the provisions of sections 219.45 to 219.53 violating any of the provisions thereof, shall be liable to a penalty of not more than \$500 for each violation; and if any common carrier, person, or corporation shall thereafter fail to correct any violation of sections 219.45 to 219.53 when ordered to correct the same by the commissioner or board and has failed to do so within the time provided in the order of the board or commissioner, and no appeal has been taken from the order, then the failure of such common carrier, person, or corporation to correct the condition causing a violation of sections 219.45 to 219.53 as in the order of the commissioner or board provided shall constitute a new and separate offense distinct and separate from the original violation of sections 219.45 to 219.53, such penalty to be recovered in a suit to be brought in the name of the state of Minnesota by the attorney general or under his direction in any court having jurisdiction thereof in the locality where such violation

MINNESOTA STATUTES 1984

4777

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.54

shall have been committed, and it shall be the duty of the attorney general under the direction of the commissioner or board to bring such suit upon duly verified information being lodged with him by any person of such violation being committed, and it shall also be the duty of the commissioner or board to lodge with the attorney general information of any such violation as may come to their knowledge.

History: 1913 c 307 s 7; 1937 c 238 s 4; 1971 c 25 s 67; 1976 c 166 s 43; 1980 c 534 s 42 (4759)

219.52 WARNING SIGNS; STRUCTURES IN CLEARANCES.

Where any structure is at a less distance from the track than as provided by sections 219.45 to 219.53 the board shall provide for warning signs to be placed thereon of a design and type as the board shall deem proper unless the board shall determine a sign is unnecessary. It shall be the duty of the railroad inspectors of the department of labor and industry to report to the commissioner and to the attorney general any violation of the provisions of sections 219.45 to 219.53 of which they may obtain knowledge.

History: 1913 c 307 s 8; 1937 c 238 s 5; 1971 c 25 s 67; 1976 c 166 s 44; 1980 c 460 s 23; 1980 c 534 s 43 (4760)

219.53 CONTRIBUTORY NEGLIGENCE.

Any employee of a common carrier who, while in the performance of his duty and while engaged in any commerce mentioned in section 219.45, subject to the regulative provisions of sections 219.45 to 219.53, may be injured or killed by reason of a violation of section 219.50, or by reason of any structure or obstruction erected or maintained prior to the passage of sections 219.45 to 219.53, or in violation of these provisions, in closer proximity to the rails than provided in sections 219.45 to 219.53 shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence although the employees continued in the employ of such common carrier after the use of such permanent overhead or side structure or obstruction of any kind or character mentioned in sections 219.45 to 219.53 shall have been brought to his knowledge; and an exercise of the permission provided for in section 219.47 shall be at the sole risk of the carrier.

History: 1913 c 307 s 9 (4761)

219.54 FREIGHT PLATFORMS.

Every railroad company shall provide at all stations in statutory cities containing 250 inhabitants or more within 30 days after written notice, served in the same manner as a summons in district court, from the city council of such city requiring such company so to do, and at other stations and sidings when required by the board, immediately alongside of its tracks or sidetracks, platforms with approaches at each end, suitable and convenient for loading upon and unloading from its cars heavy machinery and other freight. The platforms shall be at least 12 feet wide, strongly built, and floored with plank at least three inches thick. The platforms, exclusive of approaches, shall be at least 32 feet long and of the height of the floor of an ordinary box car, and the approaches of such grade that heavily loaded vehicles and equipment can be driven up and down the same. Any company failing to comply with the provisions of this section shall forfeit to the state not less than \$500 nor more than \$1,000 for every 30 days that the failure shall continue.

History: RL s 2003; 1923 c 142 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 45; 1980 c 460 s 24; 1980 c 534 s 44 (4762)

219.55 LOADING PLATFORMS.

When required by the board, every railroad company shall construct and maintain at each station and siding a suitable platform for the purpose of loading grain, livestock and other commodities into its cars for shipment. The board may require the enlargement of any platform so constructed or the construction of additional platforms at any such station or siding, when it deems it necessary for that purpose. Every such company which shall fail to construct any such platform within 60 days after the service on it of the order of the board requiring such construction, shall forfeit to the state \$25 for each day thereafter that such platform remains unconstructed.

History: RL s 2004; 1971 c 25 s 67; 1976 c 166 s 46; 1980 c 534 s 45 (4763)

219.551 LOCOMOTIVES; WATER AND TOILET FACILITIES.

Subdivision 1. As used in this section, the following words and phrases, unless a different meaning is plainly required, shall have the meanings given them.

Subd. 2. "Initial terminal" means the terminal within the state of Minnesota from which an operating unit is dispatched and at which regular maintenance forces are available to repair defective water coolers and toilet facilities.

Subd. 3. "Operating unit" means a locomotive or one of the locomotives in a consist, but does not include a switch engine.

Subd. 4. "Consist" means two or more locomotives coupled together and used to propel other railroad rolling stock.

Subd. 5. Each operating unit or a switch engine used as a single unit when put into service from an initial terminal shall be provided with paper cups and potable water in an amount of not less than one gallon to be supplied by a water cooler, the same shall be in a sanitary, clean and operating condition.

Subd. 6. Each operating unit purchased new, and not reconditioned, put into service from an initial terminal shall be equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility, if such operating unit is used for a road operation of 50 miles or more away from the initial terminal. After July 1, 1972, each consist used in road operations of 50 miles or more away from the initial terminal shall have at least one operating unit equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility; provided, however, in the case of transfer or switching service or emergency or emergency need for additional diesel power equipment, this requirement shall not apply. When put into service from an initial terminal, all diesel toilet facilities shall be in a sanitary, clean and operating condition. Unless otherwise actually required by operating conditions or emergency, the operating unit having the toilet facilities shall be positioned at the head end of a consist.

Subd. 6a. The diesel toilet facilities and water cooler facilities required by this section shall be kept in a sanitary, clean and operating condition. In the event of a failure of the required equipment and standards of maintenance occurs after a locomotive has commenced to move in service, the railroad operating that locomotive shall not be deemed in violation of this section if said failure of equipment or standards of maintenance is corrected at the next initial terminal.

Subd. 7. Any person, company, corporation, or receiver thereof, operating any railroad in the state violating any of the provisions of this section shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable for a penalty of not less than \$25 nor more than \$100 for each offense; and, the use of any one operating unit not equipped as provided in this section shall constitute a separate offense for every day or part of a day so used. Such penalty shall be recovered in a suit brought in the name of the state of Minnesota in any court having jurisdiction

MINNESOTA STATUTES 1984

4779

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.561

thereof in the county in which said initial terminal is situated by the attorney general or under his direction or by the county attorney of said county.

History: 1969 c 86 s 1-4; 1971 c 142 s 1; 1973 c 113 s 1-3

219.56 CABOOSE CARS.

It shall be unlawful for any person, corporation, or company operating any railroad in the state to require or permit the use of any caboose cars unless the caboose cars be at least 24 feet in length, exclusive of platforms, and be provided with a door at each end thereof, and with dry hopper, gas or electric incinerator or other suitable toilet facilities, cupolas, or bay windows, platforms, guard rails, grab irons, and steps for the safety of persons in alighting or getting on the caboose cars and the caboose cars shall be equipped with at least two four-wheeled trucks. Shatterproof glass shall be used in the door or doors of the caboose when the present glass in the door or doors is replaced. Each caboose, when placed in service, shall be provided with paper cups and potable water in an amount of not less than one gallon to be supplied by a water cooler, the same to be kept in a sanitary, clean and operating condition. In the event a failure of the required equipment or standards of maintenance occurs after a caboose has commenced to move in service, the railroad operating that caboose shall not be deemed in violation of this section if said failure of equipment or standards of maintenance is corrected at the next initial terminal as defined in section 219.551, subdivision 2. All caboose cars built or purchased after January 1, 1968, shall have the underframing and superstructure thereof, constructed of steel or a material of equivalent strength and, after January 1, 1972, shall also be equipped with a cushioned underframe or cushioned draft gears and shatterproof glass in all doors and windows, and when said caboose cars are operated at the rear of a train, shall be equipped with a marker or markers which may consist of flags, lamps, flashing lights or reflectorized devices.

History: 1909 c 382 s 1; 1941 c 230; 1967 c 155 s 1; 1969 c 49 s 1; 1971 c 141 s 1; 1973 c 115 s 1 (4879)

219.561 TRACK MOTOR CARS; EQUIPMENT.

Subdivision 1. From and after January 1, 1950, every person, firm or corporation operating or controlling any railroad running through or within the state shall equip each of its track motor cars used during the period from 30 minutes before sunset to 30 minutes after sunrise with:

(1) An electric headlight of such construction and of sufficient candlepower to render plainly visible at a distance of not less than 300 feet in advance of such track motor car any track obstruction, landmark, warning sign or grade crossing; and

(2) A rear electric red light of such construction and of sufficient candlepower as to be plainly visible at a distance of 300 feet.

Subd. 2. Upon request of the section foreman in any section operated by a railroad referred to in subdivision 1 hereof, any track motor car shall be equipped within 90 days thereafter with a windshield and top sufficient in width and height to reasonably protect the employees from weather conditions, provided, however, that no railroad company shall be required in any one year to equip more than an additional 25 such motor cars with the equipment referred to in this subdivision.

Subd. 3. Any person, firm or corporation operating or controlling any railroad running through or within this state using or permitting to be used on its line in this state a track motor car in violation of the provisions of this section is guilty of a misdemeanor.

History: 1949 c 680 s 1,2; 1961 c 405 s 1

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 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]

Subd. 3. Should any dispute arise as to the adequacy of the facilities provided for in subdivision 1, it may be submitted for final determination to the board after notice of the hearing to affected parties.

Subd. 4. Any railroad company, or officer or agent thereof, violating the provisions of this section is guilty of a misdemeanor.

History: 1973 c 64 s 1-4; 1975 c 282 s 1; 1976 c 166 s 47; 1980 c 534 s 46

219.565 ENGINEERS WHO CANNOT READ.

Every person who, as an officer of a corporation or otherwise, shall knowingly employ, as an engineer or engine driver to run locomotives or trains on any railway, a person who cannot read the time-tables and ordinary handwriting, and every person who, being unable to read the time-tables of the road and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

History: *RL s 4999 (10261)*

219.566 INTOXICATION OF EMPLOYEES ON TRAINS OR BOATS.

Every person who, being employed upon any railway as engineer, conductor, baggage master, brakeman, switch tender, fireman, bridge tender, flagman, or signal man; or person having charge of stations, starting, regulating, or running trains upon a railway; or person employed as captain, engineer, or other officer of a vessel propelled by steam, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

History: *RL s 5000 (10262)*

219.567 FAILURE TO RING BELL.

Every engineer driving a locomotive on any railway, who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street, on the same level, except in cities, or to continue the ringing of such

MINNESOTA STATUTES 1984

4781

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.57

bell or sounding of such whistle at intervals until such locomotive and the train thereto attached shall have completely crossed such road or street, shall be guilty of a misdemeanor.

History: *RL s 5001 (10263)*

219.568 OTHER VIOLATIONS OF DUTY.

Every engineer, conductor, brakeman, switch tender, train dispatcher, or any other officer, agent, or servant of any railway company, who shall be guilty of any wilful violation or omission of his duty as such officer, agent, or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor.

History: *RL s 5002 (10264)*

219.57 PREVENTION OF FIRE.

Every company operating a railroad shall use upon each locomotive engine a good and efficient spark arrester, which the master mechanic shall cause to be examined each time before leaving roundhouse, and the master mechanic and the employee making such examination shall be held responsible for the good condition of the same, but without relieving the company from its responsibility hereunder.

Every such company shall keep its right-of-way clear of combustible materials, except ties and other materials necessary for the maintenance and operation of the road, from April 15 to December 1, annually.

No company shall permit any of its employees to leave a deposit of fire, live coals, or ashes in the immediate vicinity of wood land or lands liable to be overrun by fire, and every engineer, conductor, or trainman discovering fire adjacent to the track shall report the same promptly at the first telegraph or telephone station reached by him.

In dry seasons every such company shall give its employees particular instructions for the prevention and extinguishment of fires, and cause warning placards furnished by the director of the division of lands and forestry of the department of natural resources to be conspicuously posted at every station in the vicinity of forest and grass lands, and, when a fire occurs near the line of its road, concentrate such help and adopt such measures as shall be available for its extinguishment.

In dry seasons every such company shall employ at least one patrolman for each mile of its road through lands liable to be overrun by fire to discover and extinguish fires occurring near the line of the road, by which is meant a distance within which fire could usually be set by sparks from a passing locomotive.

Any company violating any provisions of this section shall be deemed guilty of a misdemeanor; and on conviction thereof fined not less than \$50 and not exceeding \$100 and costs of prosecution for each offense, and any railroad employee violating the same shall be guilty of a misdemeanor and punished by a fine of not less than \$50 nor more than \$100 and costs of prosecution or by imprisonment in the county jail not exceeding 90 days.

History: *RL s 2037; 1909 c 182 s 1; 1911 c 9 s 1; 1967 c 905 s 5; 1969 c 1129 art 3 s 1 (4911)*

219.58 [Repealed, 1980 c 460 s 32]

219.59 [Repealed, 1980 c 460 s 32]

219.60 [Repealed, 1980 c 460 s 32]

219.61 [Repealed, 1980 c 460 s 32]

219.62 [Repealed, 1980 c 460 s 32]

219.63 [Repealed, 1980 c 460 s 32]

219.64 ASSUMPTION OF RISK; CONTRIBUTORY NEGLIGENCE.

Any employee of any common carrier who may be killed or injured due to improperly adjusted and filled frogs, switches, and guardrails or by any locomotive, tender, car, similar vehicle, or train in use contrary to federal or state railroad safety laws and standards shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of the carrier after the unlawful use of the locomotive, tender, car, similar vehicle, or train has been brought to his knowledge, nor shall the employee be held to have contributed to his injury in any case where the carrier shall have violated federal or state railroad safety laws and standards when the violation contributed to the death or injury of the employee.

History: 1907 c 202; 1909 c 488 s 7; 1980 c 460 s 25 (4920)

219.65 [Repealed, 1980 c 460 s 32]

219.66 [Repealed, 1980 c 460 s 32]

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.

History: 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 commissioner 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.

MINNESOTA STATUTES 1984

4783

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.695

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 commissioner as to such location.

Subd. 7. The commissioner shall enforce the provisions of this section and may issue such order or orders as may be proper to require compliance therewith.

History: 1975 c 406 s 2; 1976 c 166 s 49-51

219.67 [Repealed, 1980 c 460 s 32]

219.68 [Repealed, 1945 c 21 s 8]

219.681 REMOVAL OF RAILROAD TRACKS.

No company operating a line of railroad in this state shall abandon, close for traffic, or remove any spur, industrial, team, switching or side track which has been used directly by the shipping public or any member thereof for the loading or unloading of freight without first having obtained the approval of the board.

History: 1945 c 21 s 1; 1971 c 25 s 67; 1976 c 166 s 52; 1980 c 534 s 48

219.69 RAILROAD SHOPS OR TERMINALS MAY NOT BE ABANDONED.

No company operating any line of railway in the state shall abandon any shop or terminal located within this state or move any shop or change the location of any terminal except as provided in sections 219.70 and 219.71. Any company violating any provision of sections 219.69 to 219.71 shall forfeit to the state not less than \$200 nor more than \$1,000 for each day such violation continues.

History: 1931 c 64 s 1 (4926-1)

219.691 VIOLATION; FORFEITURE.

Any company violating any of the provisions of sections 219.681, 219.692, 219.741, 219.742, 219.743, 219.751, and 219.755 shall forfeit as a penalty to the state the sum of \$1,000 which may be recovered in a civil action.

History: 1945 c 21 s 5

219.692 TREBLE DAMAGES.

Any person who has been injured in any manner by a violation of sections 219.681, 219.691, 219.741, 219.742, 219.743, 219.751, and 219.755 by any company shall have a cause of action against such company for treble the amount of all damages to him or his property resulting from such violation.

History: 1945 c 21 s 6

219.695 TERMINAL, SHOP.

The word "terminal," as used in sections 219.69 to 219.71, is defined to be any city in which 12 or more men employed in railroad train and engine service have established a legal residence.

The word "shop," as used in sections 219.69 to 219.71, is defined as a place in which 12 or more men are employed by a railroad as mechanics in the repairing of railroad equipment and is located in a city in which such men have established a legal residence.

History: 1931 c 64 s 2; 1973 c 123 art 5 s 7 (4926-2)

MINNESOTA STATUTES 1984

219.70 APPLICATION TO ABANDON; POWER OF BOARD.

Any company desiring to abandon any shop or terminal or move any shop or change the location of any terminal in this state shall first make application to the board in writing. Before passing upon the application the board shall order a hearing.

History: 1931 c 64 s 3; 1971 c 25 s 67; 1976 c 166 s 53; 1980 c 460 s 26; 1980 c 534 s 49 (4926-3)

219.71 HEARING; ORDER.

In the hearing on the abandonment or removal of a shop or terminal, if the board determines that the abandonment of any shop or terminal or the change of any shop or terminal will result in efficiency in railroad operation and will not substantially injure the public or be detrimental to the public welfare, such petition may be granted, otherwise the same shall be denied.

History: 1931 c 64 s 4; 1971 c 25 s 67; 1976 c 166 s 54; 1980 c 534 s 50 (4926-4)

219.72-219.74 [Repealed, 1945 c 21 s 8]

219.741 APPLICATION FOR REMOVAL.

Any railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first make application to the board in writing. Before passing upon application the board shall provide the opportunity for a hearing after public notice and, if it so determines, shall fix a time and place for hearing, and a notice of the hearing shall be served upon all interested persons so far as known to the board.

History: 1945 c 21 s 2; 1971 c 25 s 67; 1976 c 166 s 55; 1977 c 346 s 13; 1980 c 534 s 51; 1Sp1981 c 4 art 2 s 23

219.742 [Repealed, 1980 c 534 s 86]

219.743 EXCEPTIONS.

The foregoing provisions shall not apply to logging or ore roads constructed and used exclusively for logging or mining purposes, nor to tracks described herein which are used exclusively for logging or mining purposes, nor shall it apply to any railroad which is not a common carrier.

History: 1945 c 21 s 4

219.75 [Repealed, 1945 c 21 s 8]

219.751 RESTORATION OF TRACKS FOR SERVICE.

Subdivision 1. When the commissioner is informed of the abandonment, closing for traffic, or removal of any track in violation of section 219.681, he shall forthwith order the company which has committed such violation to restore such track for service and to resume service thereon, and if such track has been removed, to relay such track.

Subd. 2. When any such company shall fail to obey an order of the commissioner made pursuant to subdivision 1, the commissioner, upon verified petition alleging such failure, may apply to the district court of the county in which such company has a principal office, or into which a line of railroad of such company extends, for the enforcement of such order or other appropriate relief. The court,

MINNESOTA STATUTES 1984

4785

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.761

upon such notice as it may direct, shall hear such matter as in case of an appeal from an order. On such hearing the findings of fact upon which such order is based shall be prima facie evidence of the matters therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, and may impose a fine of not more than \$500 for each day's failure to obey any writ, process, or order of the court in addition to all other penalties herein provided. A temporary mandatory or restraining order may be made in such proceeding, notwithstanding any undetermined issue of fact, upon such terms as the court may direct.

History: 1945 c 21 s 7; 1971 c 25 s 67; 1976 c 166 s 57

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.

History: 1975 c 286 s 1

219.755 SECTION 645.35 NOT TO APPLY.

Minnesota Statutes 1941, Section 645.35, shall not be construed to apply to sections 219.681, 219.691, 219.692, 219.741, 219.742, 219.743, and 219.751.

History: 1945 c 21 s 8

219.76 FIRE CAUSED BY ENGINE; INSURABLE INTEREST.

Each railroad corporation owning or operating a railroad in this state shall be responsible in damages to every person and corporation whose property may be injured or destroyed by fire communicated directly or indirectly by the locomotive engines in use upon the railroad owned or operated by such railroad corporation, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it and may procure insurance thereon in its own behalf for its protection against such damages.

History: RL s 2041; 1909 c 378 s 1 (4932)

219.761 LOCOMOTIVE FIRES; REIMBURSEMENT FOR EXTINGUISHMENT.

Subdivision 1. Any railroad operating in Minnesota shall be liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit fire fighting corporation extinguishes a fire or fires arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall within 60 days after the first full day after extinguishment, give the railroad written notice by mail which shall state the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an

MINNESOTA STATUTES 1984

office, agent or other place of business in this state. The date of the mailing shall be the date or service of the notice.

If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit fire fighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Subd. 2. All claims shall set forth the basis of the claim including the time, date, place and circumstances of the claim. A claim shall also include an itemization of costs incurred in the extinguishment of the fire. The state fire marshal, in consultation with fire department chiefs and representatives of the interested railroads, may recommend additional information to be included in a claim.

Subd. 3. If the railroads are required to pay property taxes pursuant to chapter 272 or any other law, they shall also pay any fees and assessments which may be required of property owners situated within the same political subdivision for fire fighting and protection expenses. Neither the enactment of this section, nor its subsequent repeal or termination, shall alter the statutory or common law rights, duties or obligations of railroad companies with regard to fires caused directly or indirectly by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property.

History: 1977 c 95 s 1; 1981 c 32 s 2

219.77 LIABILITY OF CORPORATIONS FOR EMPLOYEE'S INJURY OR DEATH.

Every company, person, or corporation, owning or operating, as a common carrier, or otherwise, a steam railroad or railway in the state shall be liable in damages to any employee suffering injury while engaged in such employment; or, in case of death of such employee, to his or her personal representative for the benefit of the surviving widow or husband and children of such employee; and if none, then to such employee's parents; and if none, then to the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such employer, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment due to the employer's negligence.

History: 1915 c 187 s 1; 1923 c 333 s 1; 1951 c 51 s 1 (4933)

219.78 [Repealed, 1951 c 51 s 2]

219.79 CONTRIBUTORY NEGLIGENCE NOT TO BAR.

In all actions brought against any such employer under or by virtue of any of the provisions of sections 219.77 to 219.83, to recover damages for personal injury to the employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; provided, that no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such employer of any statute enacted for the safety of employees contributed to the injury or death of such employee.

History: 1915 c 187 s 3 (4935)

MINNESOTA STATUTES 1984

4787

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.85

219.80 ASSUMPTION OF RISK NO DEFENSE.

In any action brought against any employer under or by virtue of any of the provisions of sections 219.77 to 219.83 to recover for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment.

History: 1915 c 187 s 4; 1935 c 69 s 1 (4936)

219.81 CONTRARY CONTRACTS DECLARED VOID.

Any contract, rule, regulation or device whatsoever the purpose or intent of which shall be to enable any employer to exempt such employer from any liability created by sections 219.77 to 219.83, shall to that extent be void; provided, that in any action brought against any such employer under or by virtue of any of the provisions of sections 219.77 to 219.83, such employer may set off therein any sum he has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee, or the persons entitled thereto on account of the injury or death for which the action was brought.

History: 1915 c 187 s 5 (4937)

219.815 EMPLOYER.

The term "employer," as used in sections 219.77 to 219.83, includes any receiver or other person charged with the duty of management and operation of any business employing labor.

History: 1915 c 187 s 6 (4938)

219.82 SURVIVAL OF RIGHT OF ACTION.

Any right of action given by sections 219.77 to 219.83 to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of any such employee; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

History: 1915 c 187 s 7; 1923 c 333 s 3 (4939)

219.83 LIMITATION.

No action shall be maintained under sections 219.77 to 219.83 unless commenced within two years from the day the cause of action accrues.

History: 1915 c 187 s 8 (4940)

219.84 [Repealed, 1980 c 460 s 32]

219.85 RAILROAD STATIONS, AGENCY SERVICE.

Agency service at common carrier railroad stations shall be that required by the public convenience and necessity. No station shall be abandoned nor agency service thereat reduced or discontinued without the consent of the board after public notice and opportunity for hearing is afforded. The board may on its own motion or upon the petition of any interested party order station agency service at any station established, reestablished or expanded after notice and an opportunity for hearing.

History: RL s 2029; 1961 c 138 s 1; 1971 c 25 s 67; 1976 c 166 s 58; 1980 c 460 s 28; 1980 c 534 s 52 (4887)

MINNESOTA STATUTES 1984

219.86 [Repealed, 1980 c 460 s 32]

219.87 [Repealed, 1980 c 460 s 32]

219.88 STATIONS; NAME OF CITY; EXCEPTIONS.

Subdivision 1. **Publications to use.** Every railway company, telegraph company, express company, or other company or corporation doing business as a common carrier which has or maintains any station in any city within the state shall publish in its printed matter published for the public, and use as the name of such station only, the name of the city in which such station is located or by which such city is or may be incorporated.

Subd. 2. **Use of name different from city.** Every railway company, telegraph company, express company, or other common carrier is hereby prohibited from using or continuing to use within the state a different name for its station from that of the city within which such station is located or which is in use by the local government post office, unless there is some city or post office on the same division of any railroad in this state the name of which is so similar as to be confusing in the dispatch of train orders.

History: 1905 c 252 s 1,2; 1973 c 123 art 5 s 7 (4895, 4896)

219.89 [Repealed, 1980 c 460 s 32]

219.90 [Repealed, 1980 c 460 s 32]

219.91 [Repealed, 1980 c 460 s 32]

219.92 NEW ROADS; NOTICE; FILING OF MAPS AND PROFILES.

Every railroad company having constructed any railroad by way of branch or extension or otherwise, before opening the same to public use, shall notify the commissioner that the same is finished and in a safe condition for operation, being in full compliance with federal track safety standards, and shall file with the commissioner a map and profile thereof with table of grades, curvatures, and mileage, and a statement of other characteristics of the road and an itemized statement showing the actual cost thereof; all of the foregoing to be in a form so as to be in compliance with the federal track safety standards and to be attested by the oath of the president or other managing officer, and the chief engineer of the company.

Before the new line is operated as a public road, the commissioner shall inspect the same, or cause it to be inspected by the state federal track safety inspectors, and furnish the company with a certificate showing compliance with the foregoing conditions, and that the road has been inspected and found to be in safe condition for operation.

When it is found desirable to operate any portion of any new railroad built or any new branch or extension, or otherwise, before completion of the same, the commissioner may, on application, authorize the operation of the portion thereof pending the completion of the entire road under such terms and conditions as the commissioner may impose in the interests of the public.

History: RL s 2032; 1907 c 260 s 1; 1913 c 126 s 1; 1971 c 25 s 67; 1976 c 166 s 61; 1980 c 460 s 29 (4903)

219.93 STOPPING TRAINS AT CROSSINGS.

Every company operating a railroad shall cause all trains on such railroad to come to a full stop not less than 10, nor more than 60, rods, before reaching any railroad junction or crossing at grade, unless such stoppage is rendered unnecessary

MINNESOTA STATUTES 1984

4789

COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES 219.97

by an interlocking plant or other device approved by the written order of the commissioner, or by the court upon appeal.

History: *RL s 2033; 1971 c 25 s 67; 1976 c 166 s 62 (4905).*

219.94 [Repealed, 1980 c 460 s 32]

219.95 [Repealed, 1980 c 460 s 32]

219.96 [Repealed, 1980 c 460 s 32]

219.97 FORFEITURES; VIOLATIONS; PENALTIES.

Subdivision 1. [Repealed, 1980 c 460 s 32]

Subd. 2. [Repealed, 1980 c 460 s 32]

Subd. 3. [Repealed, 1980 c 460 s 32]

Subd. 4. Any person, firm, or corporation violating any of the provisions of sections 219.16 to 219.30 shall be guilty of a misdemeanor. The violation of section 219.22 shall not of itself constitute contributory negligence as a matter of law.

Subd. 5. Any such railroad, receiver or lessee thereof failing or neglecting to comply with the provisions of section 219.37 shall forfeit and pay to the state of Minnesota the sum of \$200 for every mile of such ditch which it fails to keep clean during any season. This amount shall be collected in a civil action brought by the attorney general or by the county attorney of any county through or into which said railroad extends.

Subd. 6. Any person, corporation, or company operating any railroad in the state violating any of the provisions of section 219.56 shall be guilty of a misdemeanor; and upon conviction thereof shall be liable for a penalty of not less than \$10 nor more than \$50 for each offense; and the use of any one caboose car prohibited in section 219.56 shall constitute a separate offense for every day or part of a day so used; and such penalty shall be recovered in a suit brought in the name of the state of Minnesota in any court having jurisdiction thereof in any county in or through which such line of railroad may run, by the attorney general or under his direction, or by the county attorney, of any county in or through which such line of railroad may be operated. All fines and penalties recovered by the state under this section shall be paid into the state treasury.

Subd. 7. Any company failing to comply with any of the provisions of section 219.85 shall forfeit to the state for each violation not less than \$500 nor more than \$1,000; and each period of 30 days that any such failure shall continue shall be deemed to constitute a separate offense.

Subd. 8. [Repealed, 1980 c 460 s 32]

Subd. 9. [Repealed, 1980 c 460 s 32]

Subd. 10. Any railway company, telegraph company, express company, or other common carrier failing to comply with the provisions of section 219.88 shall forfeit to the city where such station is located the sum of \$100 for each day that such failure shall continue; provided, that before any such company shall be deemed to be in default the council of the city within which such station is located shall notify such company to change the name of such station to the same name as that of such city within 60 days after the service of such notice upon such company.

Subd. 11. [Repealed, 1980 c 460 s 32]

Subd. 12. Any carrier failing to comply with the provisions of section 219.92 or with any order of the commissioner made thereunder shall forfeit for each day's default \$100 to be recovered in a civil action in the name of the state of Minnesota.

MINNESOTA STATUTES 1984

Subd. 13. **Civil penalty.** Upon the complaint of any person, any company operating a railroad violating any of the provisions of section 219.93 shall forfeit not less than \$20 nor more than \$100 to be recovered in a civil action before any county or municipal judge of the county in which the violation occurs. One-half of the forfeiture shall go to the complainant and one-half to the school district where the violation occurs.

Subd. 14. [Repealed, 1980 c 460 s 32]

Subd. 15. [Repealed, 1980 c 460 s 32]

Subd. 16. [Repealed, 1980 c 460 s 32]

History: *RL s 1993; 2030; 2033; 2034; 2036; 1905 c 208 s 2; 1905 c 252 s 3; 1905 c 287 s 2; 1907 c 276 s 3; 1909 c 377 s 2; 1909 c 382 s 2; 1913 c 93 s 2; 1913 c 126 s 2; 1919 c 335 s 3; 1921 c 244 s 2; 1925 c 336 s 17; 1941 c 338 s 1; 1941 c 390 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 63,64; 1980 c 460 s 30; 1983 c 359 s 22 (4726, 4731, 4732, 4743-17, 4751, 4880, 4888, 4890, 4893, 4897, 4900, 4904, 4905, 4906, 4910, 4925)*