

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3857

(SENATE AUTHORS: HOWE)

DATE
02/19/2024

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11635 Introduction and first reading
Referred to Transportation

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to railroads; clarifying clearance requirements for certain carriers; amending
1.3 Minnesota Statutes 2022, section 219.46, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2022, section 219.46, subdivision 1, is amended to read:

1.6 Subdivision 1. **Structure.** (a) On and after April 16, 1913, it is unlawful for a common
1.7 carrier or any other person, on a standard gauge road on its line or a standard gauge sidetrack,
1.8 for use in any traffic mentioned in section 219.45:

1.9 (1) to erect or reconstruct and maintain an adjoining warehouse, coal chute, stock pen,
1.10 pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction
1.11 within eight feet of the centerline of the track or sidetrack;

1.12 (2) in excavating, to allow an adjoining embankment of earth or natural rock to remain
1.13 within eight feet of the centerline of the track or sidetrack; or

1.14 (3) to erect or reconstruct overhead wires, bridges, viaducts or other obstructions passing
1.15 over or above its tracks at a height less than 21 feet, measured from the top of the track rail.

1.16 (b) If after May 1, 1943, overhead structures or platforms or structures designed only
1.17 to be used in the loading or unloading of cars are rebuilt or remodeled, then these overhead
1.18 structures must be built with an overhead clearance of not less than 22 feet from the top of
1.19 the rail. These structures or platforms must be built with a side clearance of not less than
1.20 8-1/2 feet from the centerline of the track unless by order the commissioner may provide
1.21 otherwise.

2.1 (c) Sections 219.45 to 219.53 do not apply to: (1) yards and terminals of depot companies;
2.2 or (2) railway companies used only for passenger service. If personal injury is sustained by
2.3 an employee of a depot company or railway company used only for passenger service, by
2.4 reason of noncompliance with sections 219.45 to 219.53, that employee, or in case of the
2.5 employee's death, the personal representative, has the rights, privileges, and immunities
2.6 enumerated in section 219.53.

2.7 (d) On and after May 1, 1943, it is unlawful for a common carrier or any other person,
2.8 on a standard gauge road on its line or a standard gauge sidetrack or spur, for use in any
2.9 traffic mentioned in section 219.45:

2.10 (1) to erect or construct and maintain an adjoining warehouse, coal chute, stock pen,
2.11 pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction
2.12 within 8-1/2 feet of the centerline of the track;

2.13 (2) in excavating, to allow an adjoining embankment of earth or natural rock to remain
2.14 within 8-1/2 feet of the centerline of the track or sidetrack; or

2.15 (3) to erect or construct overhead wires, bridges, viaducts, or other obstructions passing
2.16 over or above its tracks at a height less than 22 feet, measured from the top of the track rail.

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