

CHAPTER 179—H. F. No. 273

[Section 3 Coded as Section 219.403]

An act relating to the installation of safety devices at railroad grade crossings and construction and maintenance of grade separations between railroads and state trunk highways, defining the powers and authority of the commissioner of highways and of the railroad and warehouse commissioner with respect thereto; amending Minnesota Statutes 1949, Section 161.03, Subdivision 1, and 219.40:

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 161.03, Subdivision 1, is amended to read:

161.03 Commissioner, powers. Subdivision 1. **General powers.** The commissioner of highways is empowered to carry out the provisions of the Constitution of the State of Minnesota, Article 16, Section 1; and is hereby authorized to acquire by purchase, gift, or condemnation, as provided by statute, all necessary right of way needed in laying out and constructing the trunk highway system, and to locate, construct, reconstruct, improve, and maintain such trunk highway system, to contract on an equitable basis with railroad companies for the *installation or reinstatement of safety devices at grade crossings with state trunk highways and for the construction, reconstruction and maintenance* of bridges and approaches *existing or necessary* for the separation of grades at points of intersection between railroads and trunk highways, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools, and supplies necessary for the construction and maintenance thereof, and to purchase or rent grounds and buildings, necessary for the storing and housing of such material, machinery, tools, and supplies; and in carrying out the provisions of the Constitution of the State of Minnesota, Article 16, Section 1, is hereby authorized to expend out of trunk highway funds such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated annually from such fund the entire amount thereof or so much as shall be necessary for the location, construction, reconstruction, improvement, and maintenance of the trunk highway system, including the cost of acquiring title to any needed right of way, and the cost of purchasing or renting grounds and buildings for such storage and housing, the purchase of the necessary road

material, tools, machinery, and supplies for the construction and maintenance of said trunk highway system, and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this chapter. The commissioner of highways shall continue under the provisions of Laws 1925, Chapter 426, as amended. Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary water or runs into any city or village situated on such water boundary and intersects any street thereof adjacent to and connecting with any such bridge, in every such case all that part of any such bridge within the limits of this state shall be considered a part of such trunk highway system except where any such bridge is owned by a private person or corporation or is operated as a toll bridge, and the commissioner of highways is authorized and directed to cooperate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction, and reconstruction of any such bridge.

Sec. 2. Minnesota Statutes 1949, Section 219.40, is amended to read:

219.40 Commission report; order; flagmen, safety devices. The commission shall decide the matter set forth in the complaint and make a report in writing thereof, including findings of fact, and make such order as it shall deem proper in the premises and, if the commission shall find the crossings to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety devices as the commission may deem necessary for the proper protection of the crossing; or it may require the removal of any structure or embankment from the right of way of the railroad company, 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 commission 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 commission may require the maintenance of an overhead bridge at least 18 feet wide with suitable approaches and require the complaining city, village, town, or county to remove

any embankment or structure from the streets or town or county roads as in its opinion may be reasonable and necessary to properly protect the crossings; provided, that no highway shall be laid out over any railroad so as to cross the same grade until such crossing has been approved by the commission. *If the railroad and warehouse commission orders the installation of a safety device or the removal of a structure or embankment from the right of way of a railroad company or orders the construction, reconstruction or maintenance of an underground or overhead crossing on a state trunk highway, the division of the costs between the railroad and the state shall be on the basis of benefit to each and the state's share shall be paid from the state trunk highway fund.*

[219.403] *Sec. 3. Not to affect existing laws of municipalities. Nothing in this act shall be construed to change any existing law relating to the rights and liabilities of any city, village, 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.*

Approved March 29, 1951.

CHAPTER 180—H. F. No. 296

An act relating to inheritance and transfer taxes; amending Minnesota Statutes 1949, Sections 291.05, and 291.18.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 291.05, is amended to read:

291.05 **Exemptions.** The following exemptions from the tax are hereby allowed:

(1) Any devise, bequest, gift, or transfer to or for the use of the United States of America or any state or any po-