

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 1705**

(SENATE AUTHORS: DZIEDZIC, Jensen, Petersen, B. and Rest)

DATE	D-PG	OFFICIAL STATUS
03/12/2015	781	Introduction and first reading Referred to Transportation and Public Safety
03/18/2015	921a	Comm report: To pass as amended and re-refer to Judiciary
03/23/2015	1065a 1218	Comm report: To pass as amended Second reading See SF1647, Art. 2, Sec. 33-34

1.1 A bill for an act  
 1.2 relating to transportation; specifying causes and types of damage for which  
 1.3 railroads are responsible; amending Minnesota Statutes 2014, sections 219.76;  
 1.4 219.761.

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

1.6 Section 1. Minnesota Statutes 2014, section 219.76, is amended to read:

1.7 **219.76 FIRE DAMAGE CAUSED BY ENGINE TRAIN OR CONTENTS;**  
 1.8 **INSURABLE INTEREST.**

1.9 A railroad ~~corporation~~ ~~owning or operating a railroad~~ in this state is responsible in  
 1.10 damages to every person who is injured and corporation public or private entity or person  
 1.11 whose property is injured, damaged, or destroyed by fire ~~communicated~~ spread directly  
 1.12 or indirectly by the locomotive ~~engines~~ or rolling stock in use upon its railroad line, or  
 1.13 contents of the rolling stock, or caused directly or indirectly by spill, tear, discharge, or  
 1.14 combustion of train contents. Each railroad ~~corporation~~ shall have an insurable interest  
 1.15 in the property upon the route of its railroad line and may procure insurance in its own  
 1.16 behalf for its protection against the damages.

1.17 Sec. 2. Minnesota Statutes 2014, section 219.761, is amended to read:

1.18 **219.761 EXTINGUISHING LOCOMOTIVE RESPONSE TO**  
 1.19 **TRAIN-RELATED FIRE OR OTHER EMERGENCY; REIMBURSEMENT.**

1.20 Subdivision 1. **Reimbursement.** (a) A railroad operating in Minnesota is liable for  
 1.21 all reasonable expenses of ~~extinguishment when a fire or fire-hazard~~ other emergency that  
 1.22 is proximately caused by a railroad locomotive, rolling stock or its contents, or employees  
 1.23 on a railroad right-of-way ~~or~~ operating property, or other property. If the fire department

2.1 ~~of a local government or nonprofit firefighting corporation extinguishes~~ an emergency  
 2.2 responder, local government entity, or nonprofit firefighting corporation responds to a  
 2.3 fire arising from one occurrence or responds to another emergency and deems that it is  
 2.4 entitled to reimbursement for its expenses, it shall, within 60 days after the first full day  
 2.5 after ~~extinguishment~~ the emergency response, give the railroad, ~~by mail~~, written notice  
 2.6 stating the circumstances of the fire or other emergency as then known. The notice  
 2.7 may be given to the railroad at any address at which the owner has an office, agent, or  
 2.8 other place of business in this state. The date of the mailing is the date of service of the  
 2.9 notice. For purposes of this paragraph, reasonable response expenses include all expenses  
 2.10 incurred by a fire department or other emergency responder in supplying mutual aid  
 2.11 assistance, regardless of whether the fire department or emergency responder is entitled  
 2.12 to reimbursement from the entity requesting assistance.

2.13 (b) If after notice and claim for reimbursement, the railroad ~~working the right-of-way~~  
 2.14 refuses to reimburse the local government, or nonprofit firefighting corporation, or other  
 2.15 emergency responders for expenses incurred, the claimant may recover by civil action  
 2.16 reasonable expenses, costs, disbursements, and attorney's fees.

2.17 Subd. 2. **Information in claim.** All claims must set forth the basis of the claim  
 2.18 including the time, date, place, and circumstances of the claim. A claim must also include  
 2.19 an itemization of costs incurred to extinguish the fire or respond to the emergency. The  
 2.20 state Fire Marshal, in consultation with fire department chiefs ~~and~~, representatives of the  
 2.21 interested railroads, representatives of local government entities, nonprofit firefighting  
 2.22 corporations, and other emergency responders, may recommend that additional  
 2.23 information be included in a claim.

2.24 Subd. 3. **Other costs, remedies.** (a) If the railroads are required to pay property  
 2.25 taxes pursuant to chapter 272 or any other law, they shall also pay the fees and assessments  
 2.26 required of property owners situated within the same political subdivision for firefighting  
 2.27 and protection expenses.

2.28 (b) Neither the enactment of this section nor its subsequent repeal or termination  
 2.29 alters the statutory or common law rights, duties, or obligations of railroad companies  
 2.30 with regard to fires and other emergencies caused directly or indirectly by a railroad  
 2.31 locomotive, rolling stock, contents, or railroad employees on a railroad right-of-way  
 2.32 ~~or~~, operating property, or other property, or caused directly or indirectly by spill, tear,  
 2.33 discharge, or combustion of train contents.