

CHAPTER 306—H. F. No. 1042.

An Act to amend Section 772 of the Revised Laws of Minnesota for 1905, relating to the refundment of money to certain owners of real estate in cases where a local improvement for which the money was assessed, is abandoned or where the amount of the assessment exceeds the cost of the improvements.

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

Sec. 1. Application or action to be made or brought within six years.—That Section 772 of the Revised Laws of Minnesota for 1905, be and the same is hereby amended so as to read as follows:

772. Whenever any special assessment shall have been levied upon real estate to defray the cost of a proposed local improvement, and the improvement shall be abandoned, or the total amount of the assessment shall exceed the cost of the improvement, the municipality shall be liable to the owner in the first case for the amount of the assessment paid by him, and in the second case for such proportion of the excess as the amount of the assessment paid by him bears to the total assessment, and it is hereby made the duty of the proper authorities to make refundment. *Provided application therefor is made by or on behalf of the party entitled thereto, or any action to recover the same is brought within six years after funds to pay the same have been appropriated and made available by the proper officers to fully pay the same.*

CHAPTER 307—S. F. No. 148.

An Act to promote the safety of employees and travelers on railroads by requiring common carriers engaged in operating railroads in the state of Minnesota to establish and maintain a safe and sufficient clearance between structures located on and over their roadways and cars passing over their lines, and for other purposes.

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

Section 1. Application to railways other than electric.—That the provisions of this act shall apply to any corporation or receiver thereof or to any person or 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.

Sec. 2. Unlawful to erect certain structures, etc.—That on and after the passage of this act, it shall be unlawful for any common carrier, or any other person, to erect or reconstruct

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and thereafter maintain on any standard gauge road on its line or on any standard gauge side track used in connection therewith, for use in any traffic mentioned in Section One of this act, any warehouse, coal chute, stock pen, pole, mail crane, stand pipe, 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 side-track used in connection therewith at a distance less than eight feet 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 re-constructed at a less height than twenty-one (21) feet, measured from the top of the track rail.

Sec. 3. Commission may permit certain structures.—The railroad and warehouse commission may upon application made, after a thorough investigation, permit any common carrier to which this act applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, when in the judgment of said commission a compliance with the clearance prescribed herein would be impracticable. 219.97

Sec. 4. Distance between tracks.—That on and after the passage of this act 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 within the regulative power of this state, where the center line of such track is at a distance of less than fourteen feet from the center line of any other parallel track which it adjoins. 219.46,
Subd. 2

Sec. 5. Tracks for switching purposes may be not closer than 13 feet apart.—Section Four of this act shall not be construed as applying to tracks to be used wholly for the purpose of switching or storing cars, but the tracks which are to be used for such purpose shall not be constructed in closer proximity to each other than thirteen (13) feet measured from the center line of any such track to the center line of any parallel track which it adjoins; provided, that the distance between said tracks specified in Sections Four and Five of this act may be diminished or closed up a necessary distance for track intersections, turn-outs and switch points. 219.46,
Subd. 4

Sec. 6. To be free from obstructions.—That on and after the passage of this act it shall be unlawful for any such common carrier to permit the space between such of its tracks as are ordinarily used by yardmen and their employees in the discharge of their duties, to become or remain obstructed by any foreign obstacle that will interfere with the work of said employees or subject said employees to unnecessary hazard. Such space between or beside said tracks as aforesaid, and between the rails of said tracks must be kept in such condition as to 219.50

permit said employees to pass over or between said tracks or to use the same by day or night and under all weather conditions without unnecessary hazard; provided, however, that wherever any railroad company has already begun work on depressing a portion of its tracks, within the corporate limits of any municipality, whether under contract with such municipality or otherwise, this act shall not apply to any depression of the tracks of such company lying wholly within the corporate limits of such municipality.

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Sec. 7. **Penalty for violations and how recovered.**—That any common carrier subject to the provisions of this act violating any of the provisions thereof, shall be liable to a penalty of five hundred dollars (\$500.00) for each and any such violation; and each day that any structure or obstruction is maintained in violation of this act, shall constitute a separate offense, such penalty to be recovered in a suit or suits 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 a violation shall have been committed, and it shall be the duty of the attorney general under the direction of the state railroad and warehouse commission to bring such suits upon duly verified information being lodged with him by any person of such violation being committed, and it shall also be the duty of said state railroad and warehouse commission to lodge with the attorney general information of any such violation as may come to its knowledge.

Sec. 8. **Duty of certain officers to report.**—It shall be the duty of the railroad inspectors of the bureau of labor, industries and commerce, to report to the railroad and warehouse commission and to the attorney general any violation of the provisions of this act of which they may obtain knowledge.

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Sec. 9. **When contributory negligence cannot be charged.**—That any employe of said common carrier who, while in the performance of his duty and while engaged in any commerce mentioned subject to the regulative power of this act in Section One, may be injured or killed by reason of a violation of Section Six of this act, or by reason of any structure or obstruction erected or maintained prior to the passage of this act, or in violation of the provisions of this act, in closer proximity to the rails than hereinbefore provided, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence although the employe 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 this act shall have been brought to his knowledge; and an exercise of the permission provided for in Section Three of this act shall be at the sole risk of the carrier.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 16, 1913.