

pursuant to Section 23 hereof, have heretofore adopted or may hereafter adopt and put into operation such pension system.

Approved April 24, 1925.

CHAPTER 336—H. F. No. 478.

An act providing for the manner of constructing crossings, and for the construction and maintenance of certain signs at the crossings of railroads, streets and public highways, and regulating the use of such crossings by the public, and for the establishment, vacation and re-location of such crossings and prescribing penalties.

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

Section 1. Definition.—When the term “grade crossing” is used in this act it shall mean the intersection of a public highway and of the track or tracks of any railroad, however operated, on the same plane or level, except street railways within city or village limits. When the term “commission” is used in this act it shall mean the Railroad and Warehouse Commission of the State of Minnesota.

Sec. 2. Commission to provide for uniform signs.—The commission is hereby authorized and required to adopt and prescribe uniform warning signs for use at grade crossings in this state which will furnish adequate warning of the existence and nature of such grade crossings and to make regulations as to the place of installation. There shall be at least three distinct types of such warning signs, to-wit: 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, 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, according to the provisions of this act.

Sec. 3. 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 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.

Sec. 4. Railroad to provide additional warning signs.—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 signs, such approach warning signs shall be installed. The commission is hereby

authorized to designate any such grade crossings requiring such additional signs on either or both sides of said crossing. When any such crossing is designated by the commission as requiring such additional protection, it shall notify the railway company operating the railroad thereat and the public authorities having the care of the highway. Such railway company shall, within 30 days after such notification, furnish such uniform signs to such public authorities, and such public authorities shall erect said signs in conspicuous places on said highway on either or both sides of such grade crossings, as the case may be, not less than 200 feet from said crossing and shall thereafter maintain the same.

Sec. 5. Stop signs in certain cases.—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 commission is hereby authorized to 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 said crossing.

Sec. 6. Certain vehicles to come to full stop.—Whenever any vehicle carrying school children, explosives or inflammable liquids, or passengers for hire, or any trucks or any vehicle having in tow any other vehicle or equipment, or any vehicle of the tractor or caterpillar type, approaches any grade crossing it shall be the duty of the driver thereof to bring the same to a complete stop before reaching the railroad track and before crossing said track to ascertain when such crossing can be made in safety.

Sec. 7. Driver to watch for train.—Before proceeding across 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.

Sec. 8. Certain drivers to reduce speed.—It shall be the duty of any person controlling the movement of any other vehicle than those mentioned in Section 6 hereof, upon approaching any grade crossing to reduce the speed of such vehicle to such a rate that it can be brought to a full stop in case of necessity before reaching the nearest rail of the railroad track and to cautiously proceed over said crossing at a speed not to exceed ten miles per hour.

Sec. 9. Railroad to provide watchman in certain cases.—Whenever the commission, in any investigation instituted upon its own motion or upon complaint and after notice and hearing, finds that the presence of a watchman or watchmen 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 such watchman or watchmen and shall specify in such order the hours during which the presence of the same is required. It shall thereupon be the duty of such railway company to provide such watchman or watchmen during such time. Such watchman shall have full control over the traffic at said crossing.

Sec. 10. Commission to provide for additional safeguards.—Whenever, in any investigation instituted upon its own motion or upon complaint and after notice and hearing, the commission 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 commission is authorized to specify the nature of the devices required and to order the railway company operating the railroad at such crossing to install the same.

Sec. 11. Commission may order crossing gates.—Whenever, in any investigation instituted upon its own motion or upon complaint and after notice and hearing, the commission finds that the protection of life and property requires the constant operation of crossing gates, where the same are now or may be hereafter installed, the commission is authorized to order any railway company operating the railroad at such crossing to provide men to operate such crossing gates for the full 24 hours of each day.

Sec. 12. To prescribe uniform devices.—It shall be the duty of the commission, so far as practicable, to secure uniformity in the devices used to protect grade crossings. No such devices shall be hereafter installed until the same have been approved by the commission. All such devices which are now in use or which may be hereafter installed, which, in the opinion of the commissioners, conflict with the devices approved by the commission, 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 railway company controlling the same so as to conform to those approved by the commission.

Sec. 13. Commission to conduct hearings.—Whenever 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 the necessity for such vacation or relocation, or as to the place, manner of construction, or a reasonable division of expense in the case of a re-location, either party may file a petition with the commission, setting forth the facts and submitting the matter to it for determination; whereupon the commis-

sion, after such notice as it shall deem reasonable, shall conduct a hearing and issue its order determining the matters so submitted.

Sec. 14. Commission may require overhead or underground crossings in certain cases.—The commission may require any railroad company to construct overhead and maintain underground crossings and separate grades when, in its opinion, the interests and safety of the public require, and no overhead or underground crossing, nor separation of grade, shall be made except upon the petition therefor to the commission, and with the approval of the commission.

Sec. 15. Obstructing signs prohibited.—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 this act.

Sec. 16. Destruction of signs unlawful.—It shall be unlawful for any person to maliciously injure, remove, displace, deface or destroy any of the signs or signals provided for in this act.

Sec. 17. Penalties.—Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail for not more than three months. Provided that the violation of Sections 7 and 8 hereof shall not of itself constitute contributory negligence as a matter of law.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved April 24, 1925.

CHAPTER 337—S. F. No. 106.

An act to amend Section 191, General Statutes for 1923, relating to the election of clerks of the district court.

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

Section 1. Election of clerk of district court in certain counties.—That Section 191, General Statutes for 1923, be and the same is hereby amended so as to read as follows:

Sec. 191. There shall be elected in each county a clerk of the district court who before entering upon the duties of his office, shall give bond to the county, to be approved by the County Board, in a penal sum not less than One Thousand Dollars nor more than Ten Thousand Dollars, conditioned for the faithful discharge of his official duties: Provided that in counties having a population of more