

CHAPTER 390—S. F. No. 1293.

(AMENDING SECTIONS 219.46 AND 219.47 MINNESOTA STATUTES 1941.)

An act relating to railroad clearances; amending Mason's Minnesota Supplement 1940, Sections 4754 and 4755; and repealing Mason's Minnesota Statutes, 1927, Sections 4756 and 4757.

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

Section 1. **Law amended.**—Mason's Minnesota Supplement, 1940, section 4754, is amended to read as follows:

4754. **Unlawful structures—clearances.**—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 and thereafter maintain on any standard gauge road on its line or on any standard gauge sidetrack 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, standpipe, 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 sidetrack 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 reconstructed at a less height than twenty-one (21) feet, measured from the top of the track rail.

If after May 1, 1943, overhead structures or platforms or any structures designed only to be used in the loading or unloading of cars are rebuilt or remodeled, then such overhead structures shall be built with an overhead clearance of not less than 22 feet from the top of the rail and such structures or platforms shall be built with a side clearance of not less than eight feet six inches from the center line of the track unless by order the Railroad and Warehouse Commission may provide otherwise.

Provided, further, that this act shall not be construed to apply to yards and terminals of depot companies or railway companies used only for passenger service. But, nevertheless, in the event of personal injury sustained by any employe of any such company in this proviso mentioned, by reason of non-compliance with the provisions of this act, such employe, or in case of his death, his personal representative, shall have all the rights, privileges and immunities enumerated in Section 9 of *Laws 1913, Chapter 307*.

Provided, that on and after May 1, 1943, it shall be unlawful for any common carrier, or any other person, to erect or construct

on any standard gauge road on its line or on any standard gauge sidetrack or spur 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, standpipe, hog drencher, or any permanent or fixed structure or obstruction, or in hereafter excavating allow any embankment of earth or natural rock to remain upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than eight feet six inches 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 constructed at a less height than 22 feet, measured from the top of the track rail.

Sec. 2. Clearances on parallel tracks.—That on and after May 1, 1913, 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 where the center line of such track is at a distance of less than 14 feet from the center line of any other parallel track which it adjoins, provided that no ladder tracks shall be in closer proximity to any adjacent ladder track than 19 feet measured from the center line of each track, nor in closer proximity to any other parallel track than 17 feet measured from the center line of each track. The distance between tracks may be diminished or closed up a necessary distance for track intersections, gauntlet tracks, turnouts or switch points.

Sec. 3. May maintain existing structure.—It shall not be unlawful for any common carrier or any other person to maintain any overhead structure or structure alongside of a track referred to in Sections 1 and 2 of this act provided that said structure was not erected in violation of law.

Sec. 4. May maintain existing tracks.—It shall not be unlawful for any common carrier or any other person to maintain or reconstruct any tracks now in existence which were constructed after April 16, 1913, in accordance with the then existing clearance law or to maintain or reconstruct tracks which, if constructed prior to said date, were constructed with clearances as provided in Laws 1913, Chapter 307, or to maintain or reconstruct tracks built in accordance with the provisions of Laws 1913, Chapter 448. As to tracks that were constructed with a less clearance than 13 feet between center lines prior to April 16, 1913, it is hereby declared that the maintenance of a clearance of less than 13 feet between center lines in railroad switching yards may create a hazard and the Railroad and Warehouse Commission of this State is hereby authorized on petition by an affected party and after hearing, where a greater clearance can be reasonably pro-

vided, to require adequate and safe clearances as rapidly as possible in such yards.

Sec. 5. May extend existing yard tracks.—*It shall not be unlawful to extend existing yard tracks or other tracks at the clearance which now exists between said tracks provided that said tracks were constructed either before or after April 16, 1913, with clearances as provided in Laws 1913, Chapter 307.*

Sec. 6. May maintain additional tracks.—*It shall not be unlawful to construct or maintain additional tracks at less than the required clearance on or under existing bridges which were constructed after April 16, 1913, with clearances as provided in Laws 1913, Chapter 307.*

Sec. 7. Railroad and warehouse commission may grant order for less clearance.—*The Railroad and Warehouse Commission after a hearing may authorize in the construction and reconstruction of bridges and tunnels by general order a less clearance than eight feet six inches from the center line of the track at a height of not to exceed six feet above the top of the rail and a clearance of less than eight feet six inches from the center line of the track at a point which shall not be less than 14 feet 6 inches above the top of the rail.*

Sec. 8. Law amended—Exceptions.—That Mason's Minnesota Supplement 1940, section 4755, be amended to read as follows:

That the Railroad and Warehouse Commission may upon application made, after a thorough investigation and hearing in any particular case, permit any common carrier or any person or corporation to which this act applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, and to construct any track or tracks at a less clearance than herein provided for, and to reconstruct and maintain the same when in the judgment of said commission a compliance with the clearance prescribed herein would be unreasonable or unnecessary or the erection or construction of such overhead or side obstruction or tracks or the reconstruction and maintenance of the same at a less clearance than herein provided would not create a condition unduly hazardous to the employes of such common carrier or any person or corporation.

Sec. 9. Law repealed.—Sections 4756 and 4757, Mason's Minnesota Statutes 1927, are hereby repealed.

Approved April 10, 1943.