

Subd. 2. **Highways; state aid; sidewalks; purposes for which money is apportioned.** Money so apportioned to each such city, village, or borough shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within each city, village, or borough including the expense of *sidewalks*, signals and safety devices on such system approved by the commissioner, provided that in the event of hardship or in the event that the municipal state-aid street system of any municipality is improved to the standards set forth in the commissioner's rules and regulations, and subject to the consent of the commissioner and under rules and regulations of the commissioner, a portion of the money so apportioned may be used on other streets or roads within the city, village, or borough. The governing body of any such city, village, or borough may, subject to the consent of the commissioner, and under the rules and regulations of the commissioner, use a portion of the money so apportioned on any state trunk highway or county state-aid highway within the city, village, or borough. The amount of money to be appropriated by such cities, villages, and boroughs from other funds for use in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within the city, village, or borough is hereby left to the direction of the individual governing bodies of the cities, villages, and boroughs.

Approved March 21, 1967.

---

#### CHAPTER 86—H. F. No. 379

*An act relating to grade crossing protection and the highway safety account and providing for the supervision, administration, allocation and disbursement thereof; appropriating money therefor; amending Minnesota Statutes 1965, Sections 161.47, Subdivision 5; 219.40; and 219.401, Subdivision 2.*

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

Section 1. Minnesota Statutes 1965, Section 161.47, Subdivision 5, is amended to read:

Subd. 5. **Highway safety account; grade crossings; fines and forfeited bail money.** All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by the justice of the peace, or such other person or officer collecting such

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

finer, forfeited bail money or installments thereof, within 15 days after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to a separate account. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall next be paid from such account. Thereafter commencing July 1, ~~1963~~ 1967, the sum of \$16,000 ~~\$30,000~~ shall be credited on the first day of each month from such account to the Minnesota highway safety account, which sum shall be disbursed only as provided for in ~~section~~ *sections 219.40 and 219.401*. Thereafter on the first day of each calendar month the money remaining in such account, not needed for the purposes specified in this subdivision, shall be credited to that part of the trunk highway fund which is set apart for maintenance purposes, and so much of the maintenance fund as shall be necessary for the salaries and maintenance of such employees is hereby appropriated for that purpose.

Sec. 2. Minnesota Statutes 1965, Section 219.40, is amended to read:

**219.40 Determination; order; flagmen or safety device.** 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 crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device as the commission may deem necessary for the proper protection of the crossing, or it may require the removal of any structure, embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, 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 with suitable approaches and require the complaining city, village, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided,

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the commission. If the railroad and warehouse commission after notice and hearing orders the installation of a safety device, *or the construction, reconstruction, modernization or replacement of major parts, as defined by the commission, of said safety device, gates, flagmen* or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, it may in the same order direct that the costs of such removal of a structure, embankment or other obstruction to the view and the cost of installation of a safety device, gates, flagmen or other type of special protection or the construction, reconstruction, and maintenance of an underground or overhead crossing thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then *the costs thereof shall be as determined by the railroad and warehouse commission on the basis of benefit to the users of each; or the commission may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of highways. In all other cases the public's share of the costs shall be paid from available funds or from the Minnesota highway safety account, if ordered by the commission, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.*

Sec. 3. Minnesota Statutes 1965, Section 219.401, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of any law to the contrary, all moneys credited to the Minnesota highway safety account are hereby appropriated annually for the purposes of carrying out the terms and provisions of Minnesota Statutes 1965, Section Sections 219.40 and 219.401 as amended by Laws 1963, Chapter 458.

Approved March 21, 1967.

---

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.