
CHAPTER 95—H.F.No.75**[Coded]**

An act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

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

Section 1. [219.761] PUBLIC SAFETY; RAILROADS; FIRES; REIMBURSEMENT OF FIRE FIGHTERS. Subdivision 1. Any railroad operating in Minnesota shall be liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit fire fighting corporation extinguishes a fire or fires arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall within seven days after the first full day after extinguishment, give the railroad written notice by mail which shall state the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an office, agent or other place of business in this state. The date of the mailing shall be the date of service of the notice.

If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit fire fighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Subd. 2. All claims shall set forth the basis of the claim including the time, date, place and circumstances of the claim. A claim shall also include an itemization of costs incurred in the extinguishment of the fire. The state fire marshal, in consultation with fire department chiefs and representatives of the interested railroads, may recommend additional information to be included in a claim.

Subd. 3. If the railroads are required to pay property taxes pursuant to chapter 272 or any other law, they shall also pay any fees and assessments which may be required of property owners situated within the same political subdivision for fire fighting and protection expenses. Neither the enactment of this act, nor its subsequent repeal or termination, shall alter the statutory or common law rights, duties or obligations of railroad companies with regard to fires caused directly or indirectly by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property.

Approved May 18, 1977.

Changes or additions indicated by underline deletions by ~~strikeout~~