

## CHAPTER 396—H. F. No. 951.

11<sup>1007 C 306</sup> - 243

*An Act to amend sections 1, 2, 3 and 4, chapter 280, General Laws of 1905, being an act to compel railroad companies to establish and maintain gates, flagmen or other safety devices in villages or cities upon the order of the railroad and warehouse commission.*

1907 C  
114-M  
131-NW

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

**Complaint.**—Section 1. Upon written complaint authorized by a majority vote of all the members of the city council being filed with the railroad and warehouse commission of this state by the chief executive officer of any village or city in the State of Minnesota on its behalf, that the crossing of any railroad company, naming it, with any street in said village or city, describing it as dangerous to life and property and giving the reason thereof, said railroad and warehouse commission shall forthwith investigate the same, and to that end shall have at least one (1) public hearing in the village or city making such complaint, at a time to be fixed by said commission, and a place to be held upon notice to be given by said railroad and warehouse commission to all parties interested, and shall be held in not less than thirty (30) nor more than sixty (60) days after the date of filing of such complaint.

**Findings—how certified.**—Sec. 2. Within ten (10) days after such public hearing said commissioners, by a majority vote of the members thereof, shall decide the matter set forth in said complaint, and shall make a report in writing in respect thereto, which shall include the findings of fact which the conclusions of the commission are based upon, together with the recommendation of said commission as to what kind of safety device, if any, should be installed at said crossing to make the same safe to life and property. Said findings shall be in writing and signed by the members of said commission in favor thereof, and shall be filed with the secretary of said commission and entered for record in his office. If said commission shall find in favor of further protection for said crossing it shall issue an order to the railroad company named in said petition directing said railroad company within sixty (60) days after said order to establish and thereafter maintain, at such crossings such gates, flagmen or safety devices as such commission may therein direct, and such as will render such crossing safe to life and property. Service

of such order shall be made upon any railroad company in the same manner as a summons in a civil action is served.

**Order.**—Sec. 3. Whenever any such order is made such railroad company may appeal therefrom in the same manner as appeals are allowed to be taken from orders made by said commission fixing rates of railroad companies, and where no appeal is taken the order of the commission may be enforced by the attorney general the same as orders relating to the control of railroads.

**Appeal.**—Sec. 4. In addition to the foregoing, any railroad company failing to comply with the order of said commission, if not appealed from as hereinbefore provided, or if appealed from and confirmed on appeal, shall be liable to a penalty of fifty dollars (\$50) per day for each and every day that said railroad company does not so conform to said order, to be recovered as damages in a civil action by and for the benefit of the village or city making such complaint.

**Flagman.**—Sec. 5. Whenever it shall appear that owing to any construction work or repair work, or for any other cause an unusual number of trains are being operated in or through any village or city in this state, the state railroad and warehouse commission shall have the power, upon complaint made by any village or city council through its chief executive officer, to compel the installation of a flagman or flagmen, as the case may be, without a hearing, and such order shall be complied with within five days; *provided*, that such railroad companies may remove such flagmen whenever the movement of trains through such village or cities assumes its normal conditions.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 24, 1907.