

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1705

(SENATE AUTHORS: DZIEDZIC, Jensen, Petersen, B. and Rest)

DATE	D-PG	OFFICIAL STATUS
03/12/2015	781	Introduction and first reading
		Referred to Transportation and Public Safety
03/18/2015		Comm report: To pass as amended and re-refer to Judiciary

1.1 A bill for an act
 1.2 relating to transportation; specifying causes and types of damage for which
 1.3 railroads are responsible; amending Minnesota Statutes 2014, sections 219.76;
 1.4 219.761.

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

1.6 Section 1. Minnesota Statutes 2014, section 219.76, is amended to read:

1.7 **219.76 FIRE DAMAGE CAUSED BY ENGINE TRAIN OR CONTENTS;**
 1.8 **INSURABLE INTEREST.**

1.9 A railroad corporation owning or operating a railroad in this state is responsible
 1.10 in damages to every person and ~~corporation~~ public or private entity whose property
 1.11 is ~~injured~~ damaged or destroyed by fire ~~communicated~~ spread directly or indirectly by
 1.12 the locomotive ~~engines~~ or rolling stock in use upon its railroad line, or contents of the
 1.13 rolling stock, or caused directly or indirectly by spill, tear, discharge, or combustion of
 1.14 train contents. Each railroad corporation shall have an insurable interest in the property
 1.15 upon the route of its railroad line and may procure insurance in its own behalf for its
 1.16 protection against the damages.

1.17 Sec. 2. Minnesota Statutes 2014, section 219.761, is amended to read:

1.18 **219.761 EXTINGUISHING LOCOMOTIVE RESPONSE TO**
 1.19 **TRAIN-RELATED FIRE OR OTHER EMERGENCY; REIMBURSEMENT.**

1.20 Subdivision 1. **Reimbursement.** A railroad operating in Minnesota is liable for
 1.21 all reasonable response expenses ~~of extinguishment~~ when a fire or ~~fire hazard~~ other
 1.22 emergency is proximately caused by a railroad locomotive, rolling stock, or employees on
 1.23 a railroad right-of-way ~~or~~ operating property, or other property. If the fire department ~~of a~~

2.1 ~~local government or nonprofit firefighting corporation~~ extinguishes or other emergency
 2.2 responder responds to a fire arising from one occurrence or responds to another emergency
 2.3 and deems that it is entitled to reimbursement for its expenses, it shall, within 60 days
 2.4 after the first full day after ~~extinguishment~~ the emergency response, give the railroad,
 2.5 ~~by mail~~, written notice stating the circumstances of the fire or other emergency as then
 2.6 known. The notice may be given to the railroad at any address at which the owner has an
 2.7 office, agent, or other place of business in this state. The date of the mailing is the date
 2.8 or service of the notice.

2.9 If after notice and claim for reimbursement, the railroad ~~working the right-of-way~~
 2.10 refuses to reimburse the local government or ~~nonprofit firefighting corporation~~ other
 2.11 emergency responders for expenses incurred, the claimant may recover by civil action
 2.12 reasonable expenses, costs, disbursements, and attorney's fees.

2.13 Subd. 2. **Information in claim.** All claims must set forth the basis of the claim
 2.14 including the time, date, place, and circumstances of the claim. A claim must also include
 2.15 an itemization of costs incurred to ~~extinguish the fire~~ or respond to the emergency. The
 2.16 state Fire Marshal, in consultation with fire department chiefs and representatives of the
 2.17 interested railroads and representatives of other emergency responders, may recommend
 2.18 that additional information be included in a claim.

2.19 Subd. 3. **Other costs, remedies.** (a) If the railroads are required to pay property
 2.20 taxes pursuant to chapter 272 or any other law, they shall also pay the fees and assessments
 2.21 required of property owners situated within the same political subdivision for firefighting
 2.22 and protection expenses.

2.23 (b) Neither the enactment of this section nor its subsequent repeal or termination
 2.24 alters the statutory or common law rights, duties, or obligations of railroad companies
 2.25 with regard to fires and other emergencies caused directly or indirectly by a railroad
 2.26 locomotive, rolling stock, contents, or railroad employees on a railroad right-of-way
 2.27 ~~or~~ operating property, or other property, or caused directly or indirectly by spill, tear,
 2.28 discharge, or combustion of train contents.