

Railroads, Warehouses, Utilities, Grain, and Live Stock

CHAPTER 216

RAILROAD AND WAREHOUSE COMMISSION

| Sec. | | Sec. | |
|---------|---|--------|--|
| 216.01 | Election; vacancies | 216.34 | Scales; inspection of |
| 216.02 | Qualifications | 216.35 | Scales; sealing devices for; duty of commission |
| 216.03 | Oath; bond; salary | 216.36 | Scales; sealing device; when required |
| 216.04 | Removal; quorum | 216.37 | Scales; failure to install; tampering with sealing device; penalties |
| 216.05 | Secretary; employees | 216.38 | Scales; commission may require |
| 216.06 | Common carriers | 216.39 | Track scales |
| 216.07 | Railroads; transportation | 216.40 | Track scales; equipment for testing |
| 216.08 | Employer | 216.41 | Track scales; installed; cost |
| 216.09 | Terminal, shop | 216.42 | Weighing coal; track scales; powers of commission |
| 216.10 | Attorneys; proceedings in name of state | 216.43 | Coal; carload lots; duty of commission |
| 216.11 | Procedure; rules; office | 216.44 | Coal; weighers; fees |
| 216.12 | Duties of commission | 216.45 | Grain sections applicable to coal |
| 216.13 | Proceedings before commission; how commenced | 216.46 | Scales in stockyards; powers of commission |
| 216.14 | Notice to respondent | 216.47 | Stock weighers; appointment of; bonds; reports; certificates; qualifications; action on bonds; revocation of appointment |
| 216.15 | Answer | 216.48 | Weighing stock; fees |
| 216.16 | Hearings before commission | 216.49 | Stock weighers; impersonating; penalty |
| 216.17 | Notices and orders; service | 216.50 | False certificates of weights; penalties |
| 216.18 | Witnesses | 216.51 | "Supervisor of weights;" "state weigher;" use of prohibited |
| 216.19 | Rate unreasonable; complaint; duty of commission | 216.52 | Weigher; interference with |
| 216.20 | Rate unreasonable; complaint by attorney general; duty of commission | 216.53 | Water in stockyards; power of commission |
| 216.21 | Investigation without complaint; new rates; notice | 216.54 | Rates; schedule of; powers of commission |
| 216.22 | Movement of live stock; investigation; regulation of speed | 216.55 | Rates; railroads; commission to investigate |
| 216.225 | Railroads; gross earnings; classification | 216.56 | Railroads; connection with manufactories |
| 216.23 | Reasonableness of express rates; proceedings; citations; parties | 216.57 | Biennial report; duty of commission |
| 216.24 | Appeals to district court from orders of commission; procedure | 216.58 | Commission to report to governor |
| 216.25 | Appeal; orders not appealed; proceedings | 216.59 | Railroad valuation; detailed statement by June 30 of each year |
| 216.26 | Dismissal in certain cases; procedure | 216.60 | Inquisitorial powers of commission |
| 216.27 | Filing papers; effect | 216.61 | Milling in transit; commission to adjust credits where mill destroyed |
| 216.28 | Rebates; duties of commission | 216.62 | Passenger trains; discontinued only with consent of commission |
| 216.29 | Interstate commerce commission; state commission to cooperate with | 216.63 | Rates; unreasonable; powers of commission |
| 216.30 | I. C. commission; joint hearings | 216.64 | Rates; duties of railroad companies; penalties |
| 216.31 | Appearance before interstate commerce commission | 216.65 | Rules and regulations; commission may prescribe; revise |
| 216.32 | Interstate commerce commission; state commission to institute proceedings | 216.66 | Cars; commission to regulate distribution |
| 216.33 | Interstate commerce commission; matter pending; state commission may appear | 216.67 | Laws; enforcement; duty of commission |
| | | 216.68 | Forfeitures; violations; penalties |

216.01 ELECTION; VACANCIES. The general supervision of railroads and express companies doing business as common carriers, and of public warehouses, is vested in a board of three railroad and warehouse commissioners, which shall be known as the "Railroad and Warehouse Commission," hereinafter called the commission. At each biennial election there shall be one commissioner elected for a term of six years and until his successor qualifies.

Vacancies in the commission shall be filled by the governor until the next general election when a commissioner shall be elected for the unexpired term.

[*R. L. ss. 1953, 1954; 1911 c. 140 s. 1*] (4628) (4629)

216.02 QUALIFICATIONS. No person in the employ of any railroad company or grain warehouse company or who owns stocks, bonds, or other property therein shall be eligible as a railroad and warehouse commissioner, hereafter called a commissioner; nor shall any such commissioner during his continuance in office be interested in any such stock, bonds, or other property, or in any contract for the construction, repair, or maintenance of any railroad, or accept any employment, office, or retainer under any such company, or participate in any hearing or proceeding in which he has a pecuniary interest.

[*R. L. s. 1955*] (4630)

216.03 OATH; BOND; SALARY. Before entering upon the duties of his office, each commissioner shall take, subscribe, and file with the secretary of state an oath as follows:

"I do solemnly swear that I will support the constitution of the United States and the constitution of this state; that I will faithfully discharge my duties as a member of the Railroad and Warehouse Commission of the State of Minnesota, according to the best of my ability, and that I am not in the employ of, or holding any official relation to, any common carrier or grain warehouseman, nor am I in any manner interested in any stock, bonds, or other property of any such common carrier or warehouseman."

He shall also give a bond to the state, to be approved by the governor, in the sum of \$20,000, conditioned for the faithful performance of his official duties. He shall devote his entire time to the duties of the office. His salary shall be \$4,500 per annum, payable in the same manner as that of other state officers.

[R. L. s. 1956; 1911 c. 140 s. 2] (4631)

216.04 REMOVAL; QUORUM. Any such commissioner may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office; but before removal he shall be furnished with a copy of the charges against him, and have an opportunity to be heard in defense.

A majority of the commission shall constitute a quorum and the act or decision of a majority shall be deemed the act or decision of the commission. No vacancy in the commission shall impair the authority of the remaining members to exercise all the powers of the commission.

[R. L. ss. 1957, 1958] (4632) (4633)

216.05 SECRETARY; EMPLOYEES. The commission shall appoint a secretary, not a member, and such additional help as may be necessary and fix their compensation. The commission is authorized to designate one of its employees as warehouse registrar and to define his duties, and such warehouse registrar shall give such bond as the commission may require and as may be approved by the commission. He shall take, subscribe, and file an oath similar to that required of the commissioners, and a like bond, in the sum of \$10,000. All expenses of the commission and its employees, including all necessary expenses for transportation incurred by the commissioners and their employees under their order in making any investigation or performing any other duties in any place except St. Paul shall be allowed and paid by the state on presentation of itemized vouchers therefor, approved by a member of the commission and the state auditor.

[R. L. s. 1959; 1911 c. 140 s. 3; 1921 c. 382 s. 1] (4634)

216.06 COMMON CARRIERS. The term "carrier," as used in chapters 216 to 220, includes all common carriers engaged in the transportation of persons or property between places within this state by railroad, or partly by railroad and partly by water, when both are used under a common control, ownership, management, or arrangement for such carriage, without regard to the motive power, whether such carrier owns or operates the line or lines over which such passengers or freight are transported, or carries the same over the lines or in the cars of any other company as an express or transportation company, but shall not include street railways so far as relates to the carriage of persons or property wholly within the limits of any municipality or municipalities.

[R. L. s. 1990] (4722)

216.07 RAILROADS; TRANSPORTATION. The term "railroad," as used in chapters 216 to 220, includes all bridges or ferries used or operated in connection with any railroad and all the road in use by any corporation operating a railroad whether owned or operated under a lease or other contract.

The term "transportation" includes all instrumentalities of shipment or carriage.

[R. L. s. 1991] (4723)

216.08 EMPLOYER. The term "employer," as used in chapters 216 to 220, includes the receiver or receivers or other persons or corporations charged with the duty of management and operation of any business employing labor.

[1915 c. 187 s. 6] (4938)

216.09 TERMINAL, SHOP. The word "terminal," as used in chapters 216 to 220, is defined to be any city or village in which 12 or more men employed in railroad train and engine service have established a legal residence.

The word "shop," as used in chapters 216 to 220, is defined as a place in which 12 or more men are employed by a railroad as mechanics in the repairing of railroad

equipment and which is located in a city or village in which such men have established legal residence.

[1931 c. 64 s. 2] (4926-2)

216.10 ATTORNEYS; PROCEEDINGS IN NAME OF STATE. The attorney general shall be ex officio attorney for the commission. He shall institute and prosecute all actions which the commission shall order brought and render the commissioners all advice, counsel, and assistance necessary for the proper performance of their duties. The county attorney of any county in which an action is pending, prosecuted, or defended by direction of the commission shall aid in the prosecution or defense thereof until final determination when requested by the commission. When necessary the commission may employ additional counsel to assist the attorney general.

All actions or proceedings instituted by the commission shall be brought in the name of the state.

[R. L. ss. 1960, 1979] (4635) (4658)

216.11 PROCEDURE; RULES; OFFICE. The commission shall have an official seal, may from time to time make or amend general rules or orders requisite for the order and regulation of proceedings before it, including forms of notices and service thereof, which shall conform as nearly as may be to those in use in the courts, and shall conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice. Every vote and official act of the commission shall be entered of record and in its discretion, or upon request of any party interested, its proceedings shall be public. The principal office of the commission shall be in the city of St. Paul, but it may hold sessions elsewhere for the convenience of parties or the public, or to prevent delay or save expense. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties in any part of the state.

[R. L. s. 1961] (4636)

216.12 DUTIES OF COMMISSION. The commission shall inquire into the management of the business of all carriers and warehousemen subject to their supervision, keep itself informed as to the manner in which the same is conducted, and obtain from such carriers and warehousemen all information necessary for the performance of its duties. One of their number shall visit the stations on the lines of each railroad as often as practicable, giving 20 days' notice in the local newspapers of the time and place of each visit, and personally inquire into the management of such railroad business, and at least once each year visit every county having a railroad station and inquire into the management of such railroad business. For this purpose all common carriers and their officers and employees are required to furnish such commissioners with reasonable and proper facilities. Each commissioner in his official capacity shall pass free on all railroad trains and at all suitable times may enter and remain in the cars, offices, or depots of any railroad company; and when in the judgment of the commission any common carrier fails in any respect to comply with the law, or any repairs are necessary upon its railroad or any reasonable addition to or change of its stations, station houses, or transfer facilities, or change in the mode of operating its road or conducting its business, will promote the security or convenience of the public, or when in the judgment of the commission the operation by any common carrier of one passenger train each way on each and every day, including Sundays, through each county-seat station on the line of such carrier will promote the security or convenience of the public, the commission by a written order, to be served as a summons in civil actions, shall require compliance with such law or the making of such repairs, additions, or change. In case of disobedience of the order, the commission may cause an action to be commenced for the enforcement thereof.

[R. L. s. 1962; 1905 c. 176; 1905 c. 279; 1921 c. 259 s. 1] (4637)

216.13 PROCEEDINGS BEFORE COMMISSION; HOW COMMENCED. Proceedings before the commission against any such carrier or public warehouseman shall be instituted by complaint, verified as a pleading in a civil action, stating in ordinary language the facts constituting the alleged omission or offense. The parties to such proceedings shall be termed, respectively, "complainant" and "respondent."

[R. L. s. 1963] (4638)

216.14 NOTICE TO RESPONDENT. Upon filing such complaint, if there appear reasonable grounds for investigating such matter, the commission shall issue an order directed to such carrier or warehouseman requiring him to grant the relief

demand or show cause by answer within 20 days from the service of such notice why such relief should not be granted. Such order, together with a copy of the complaint, shall forthwith be served upon the respondent.

[R. L. s. 1964] (4639)

216.15 ANSWER. The respondent may file and serve by mail upon the complainant, within 20 days after service of the order, an answer alleging that it has already granted the relief demanded or setting up any matter of defense. If the answer allege the granting of the relief the complainant shall within 20 days reply admitting or denying such allegation. If he fails to reply or admits the allegation, the proceeding shall be dismissed.

[R. L. s. 1965] (4640)

216.16 HEARINGS BEFORE COMMISSION. If the matter be not adjusted to the satisfaction of the commission, it shall set a time and place of hearing, and give at least ten days' notice thereof to each party. The parties may appear either in person or by attorney. The commission shall hear evidence and otherwise investigate the matter, make findings of fact upon all matters involved, and such order or recommendation in the premises as may be just. A copy of such findings and order or recommendation shall forthwith be served upon each party. No proceedings shall be dismissed on account of want of pecuniary interest in the complaint. The commission is authorized to designate by resolution any of its employees to receive and report evidence. Employees so designated shall have power to administer oaths to witnesses, examine witnesses, and receive evidence. In any proceedings in which the evidence is received by one commissioner or by an employee so designated, such commissioner or employee shall make a full and complete report thereof to the commission and the commission shall proceed to a determination of the facts and issue its order or recommendation as hereinabove provided.

[R. L. s. 1966; 1907 c. 305; 1921 c. 159 s. 1] (4641)

216.17 NOTICES AND ORDERS; SERVICE. All notices and orders in proceedings before the commission shall be signed by the secretary. Service may be made of all notices, orders, and other papers by mail upon any person or firm, or upon the president, general manager, or other proper executive officer of any corporation interested. If any party has appeared by attorney, such service shall be made upon such attorney.

[R. L. s. 1967] (4642)

216.18 WITNESSES. The commission in any hearing or investigation may require the attendance of witnesses and the production of any books, papers, and records. Witnesses shall receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceeding or contumacy of a witness may, upon application of the commission, be punished by any district court in the same manner as if the proceedings were pending in such court.

[R. L. s. 1968] (4643)

216.19 RATE UNREASONABLE; COMPLAINT; DUTY OF COMMISSION. Upon the verified complaint of any person or of any corporation, private or municipal, that any tariff of rates, fares, or charges, or any part thereof, or of any classification is unequal or unreasonable, the commission shall proceed to investigate the matter alleged in such complaint; and, for the purposes of such investigation, may require the attendance of witnesses and the production of books, papers, and documents. If upon the hearing such tariff of rates, fares, or charges, or any part thereof, or of such classification is found to be unequal or unreasonable, the commission shall make an order stating wherein the same are so unequal or unreasonable and make a tariff of rates, fares, charges, and classification which shall be substituted for the tariff so complained of. The tariff so made by the commission shall be deemed prima facie reasonable in all courts and shall be in full force during the pendency of any appeal or other proceedings to review the action of the commission in establishing the same.

[R. L. s. 1969] (4644)

216.20 RATE UNREASONABLE; COMPLAINT BY ATTORNEY GENERAL; DUTY OF COMMISSION. The attorney general may when in his opinion the public interest requires make complaint to the commission charging that any rate, schedule of rates or the entire schedule of rates, or any classification, rule, or regulation of any carrier is unjust, unreasonable, or discriminatory. The commission

shall investigate such complaint in the manner provided for the investigation of complaints made under the provisions of section 216.17.

[1911 c. 50 s. 1] (4645)

216.21 INVESTIGATION WITHOUT COMPLAINT; NEW RATES; NOTICE.

The commission shall on its own motion investigate any matter relating to the management by any carrier or warehouseman of its business, or the reasonableness of any or all rates, schedule of rates, fares, charges, rules, regulations, or classifications when in its judgment the public interest requires it. If any such rates, schedule of rates, fares, charges, rules, classification, or regulations are found unreasonable or discriminatory, the commission shall find what is reasonable under the circumstances and may make an entire new schedule and adjustment of any or all rates, schedule of rates, fares, charges, rules, regulations, and classifications under consideration in such investigation and its order shall fix the date when such rates, schedule of rates, fares, charges, rules, regulations, and classifications shall go into effect. Before making any order under the provisions of this section, the carrier shall have an opportunity to be heard, upon such notice as the commission shall deem reasonable. The rates established under proceedings instituted under this section shall be in force during the pendency of any appeal or other proceeding to review the action of the commission.

[R. L. s. 1970; 1911 c. 87 s. 1] (4646)

216.22 MOVEMENT OF LIVE STOCK; INVESTIGATION; REGULATION OF SPEED. The commission shall from time to time investigate the practice of common carriers with respect to the movement of live stock and if it ascertains at any time that any common carrier is not moving cars of live stock with proper speed and due consideration of the rights and conveniences of shippers, then upon notice to such carrier the commission shall prescribe for it the speed at which and the conditions under which cars of live stock shall be moved by it within this state. The speed of trains carrying live stock shall not be fixed at less than 12 miles an hour, if consistent with the proper handling of its traffic by any common carrier involved. The commission's order shall specify the time at which it shall go into effect. This section shall apply to wholly intrastate shipments only.

[1911 c. 317 s. 1] (4647)

216.225 RAILROADS; GROSS EARNINGS; CLASSIFICATION. The commission shall have and is hereby given and vested with power and it shall be its duty to classify all railroads in this state according to the gross amount of their several annual earnings within this state, per mile for the preceding year as follows:

Class A shall include those whose gross annual earnings per mile shall be \$4,000 or more.

Class B shall include those whose gross annual earnings per mile shall be \$3,000 or any sum in excess thereof less than \$4,000.

Class C shall include those whose gross annual earnings per mile shall be less than \$3,000.

The commission shall have power to and may fix a higher maximum charge by the railroad corporations included in class C than those included in class B and a higher maximum charge by the railroad corporations included in class B than those included in class A.

[1913 c. 90 s. 7] (4844)

216.23 REASONABLENESS OF EXPRESS RATES; PROCEEDINGS; CITATIONS; PARTIES. In any proceedings pending before the commission involving the reasonableness of express rates, where the commission deems it necessary to inquire into the reasonableness of the charges of the railroad company for carrying the cars, or the business of the express company over its lines of road, the commission may cite such railroad company to appear and become a party to such proceedings within five days after the service of such citations and in such proceedings the commission may find the reasonableness of the amount paid by the express company to the railroad company for the service furnished, and the findings of the commission shall be prima facie evidence of the facts found.

[1911 c. 86 s. 1] (4649)

216.24 APPEALS TO DISTRICT COURT FROM ORDERS OF COMMISSION; PROCEDURE. Any party to a proceeding before the commission, or any party affected by any order thereof, or the State of Minnesota, by the attorney general, may appeal therefrom to the district court of the county in which the complainants, or a majority of them, reside, or in case none of them reside in the state, or in a

proceeding commenced by the commission on its own motion without complaint, to the district court of one of the counties in which the order of the commission requires a service to be performed or an act to be done or not to be done by the carrier or warehouseman; or in case of train service, to the district court of one of the counties through which the train runs, at any time within 30 days after service of a copy of such order on the parties of record, as in this chapter provided, by service of a written notice of appeal on the commission, or its secretary. Upon service of the notice of appeal, the commission, by its secretary, shall forthwith file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from together with findings of fact on which the same is based. In case appeals are taken to the district court of more than one county, they shall be consolidated and tried in the district court of the county to which the first appeal was taken.

[R. L. s. 1971; 1907 c. 167 s. 1; 1917 c. 291 s. 1] (4650)

216.25 APPEAL; ORDERS NOT APPEALED; PROCEEDINGS. The person serving such notice of appeal shall, within five days after the service thereof, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the State of Minnesota), shall be designated as complainant in the district court, and the carrier or warehouseman as defendant. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the carriers affected to adopt and publish the rates or classifications therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same.

[R. L. s. 1972; 1907 c. 167 s. 2] (4651)

216.26 DISMISSAL IN CERTAIN CASES; PROCEDURE. When in any proceedings pending before it relating to or involving the reasonableness of rates, fares, charges, or classifications, the commission shall decide that it has not jurisdiction for the reason that the traffic covered by such rates, fares, charges, and classifications is interstate commerce, it shall make an order dismissing the proceeding, stating therein the ground of such dismissal, which order may be appealed from in like manner as other appealable orders of the commission.

If in any such proceeding one of the commissioners shall dissent from the order of dismissal, the question of its jurisdiction shall be certified to the district court of a county to which an appeal might be taken and thereupon the commission shall notify all parties to the proceedings of such certification, stating the county and date thereof.

[R. L. s. 1973] (4652)

216.27 FILING PAPERS; EFFECT. When in any such case an appeal is taken or such question certified the commission shall forthwith file with the clerk of the proper district court all papers, pleadings, evidence, and orders in the proceeding and thereupon such court shall have full jurisdiction to hear and determine the question of the jurisdiction of the commission in reference to the matter appealed from or certified. Such proceeding may be brought on for hearing by either party on ten days' notice, either at a term or in vacation, and shall be heard upon the evidence taken before the commission and such further evidence as may be offered by either party. If the order of the commission is reversed, upon filing a copy of the order of reversal with the commission, it shall forthwith proceed to

determine the reasonableness of such rates, fares, charges, and classification on the merits.

[*R. L. s. 1974*] (4653)

216.28 REBATES; DUTIES OF COMMISSION. It is hereby made the duty of the commission to keep itself informed as to whether common carriers in this state are granting rebates or in other particulars are failing to comply with the laws of this state. For this purpose power is hereby conferred on the commission or its agent at any proper time to make thorough and full examination of all books, vouchers, papers, and accounts of any and all common carriers of this state. Any officer, agent, or employee of any railroad company in charge of such books, vouchers, papers, and accounts who shall fail or refuse to submit the same for the examination of the commission or its agent, shall be guilty of misdemeanor. The provisions of this section shall in no way interfere with the duties of the public examiner.

[*1905 c. 176 s. 8*] (4778)

216.29 INTERSTATE COMMERCE COMMISSION; STATE COMMISSION TO COOPERATE WITH. The commission is hereby authorized to cooperate with the Interstate commerce commission for the purpose of harmonizing state and federal regulation of common carriers within the state to the extent and in the manner deemed advisable by the commission and for such purpose the commission may approve or establish freight rates which depart from the distance principal now required by state law to the extent necessary in its judgment to harmonize state and interstate rates or to remove discrimination created or which may be created by orders of the federal commission.

[*1923 c. 50 s. 1; 1927 c. 405 s. 1*] (4719)

216.30 I. C. COMMISSION; JOINT HEARINGS. The commission may conduct joint hearings with the Interstate commerce commission within or without the state.

[*1923 c. 50 s. 2; 1927 c. 405 s. 2*] (4720)

216.31 APPEARANCE BEFORE INTERSTATE COMMERCE COMMISSION. The commission is hereby authorized to appear and participate in any proceeding pending before the Interstate commerce commission when it considers such appearance and participation advisable and in the interest of the people of the state.

[*1923 c. 50 s. 3; 1927 c. 405 s. 3*] (4721)

216.32 INTERSTATE COMMERCE COMMISSION; STATE COMMISSION TO INSTITUTE PROCEEDINGS. When a resident of this state shall file with the commission a petition directed to the Interstate commerce commission of the United States, charging any railroad company or other common carrier doing business in this state, engaged in interstate transportation of freight, with any violation of the Interstate Commerce Act of the United States, setting forth in such petition the facts constituting such violation, the commission, if it deems the matter one of public interest, shall file said petition with the Interstate commerce commission and thereupon shall appear in the matter in the place of the petitioner and thereafter prosecute the same at the expense of the state.

[*1905 c. 279 s. 1*] (4660)

216.33 INTERSTATE COMMERCE COMMISSION; MATTER PENDING; STATE COMMISSION MAY APPEAR. When any matters shall be pending before the Interstate commerce commission of the United States, between a resident of this state as petitioner, and any railroad company or other common carrier doing business in this state and engaged in interstate transportation of freight, charging such carrier with any violation of the Interstate Commerce Act, upon application of the petitioner in the matter, the commission, in case it deems the questions involved in the matter of public interest, may appear therein and be substituted as party in place of such petitioner and thereafter such matter shall be prosecuted by such commission at the expense of the state in the same manner as though originally begun by it.

[*1905 c. 279 s. 2*] (4661)

216.34 SCALES; INSPECTION OF. The Commission shall have the power to enforce reasonable regulations for the weighing of cars and of freight offered for shipment in carload lots. All track scales used by common carriers for the purpose of weighing carload freight shall be under the control and jurisdiction of the commission and subject to inspection, exempt from the jurisdiction of sealers of weights and measures. The entire cost of such supervision and inspection shall be a proper charge against the common carriers interested in or owning the several

MINNESOTA STATUTES 1941

1671

RAILROAD AND WAREHOUSE COMMISSION 216.42

scales, the same to be paid upon a statement rendered by the commission. All moneys collected shall be credited to the grain inspection fund.

[1907 c. 357 s. 1] (4668)

216.35 SCALES; SEALING DEVICES FOR; DUTY OF COMMISSION. The commission is hereby authorized and directed to inspect all sealing devices made for the purpose of sealing scales known to be on the market, and to officially approve any device considered by it to be a proper and safe device to be used in the sealing of scales.

[1909 c. 319 s. 1] (4669)

216.36 SCALES; SEALING DEVICE; WHEN REQUIRED. When directed to do so by the commission, any person or company owning and operating a scale under the jurisdiction of the commission is hereby required to install such scale with some sealing device which has the official approval of the commission.

[1909 c. 319 s. 2] (4670)

216.37 SCALES; FAILURE TO INSTALL; TAMPERING WITH SEALING DEVICE; PENALTIES. Any person or company failing within 30 days after notice to install such sealing device when directed to do so by the commission, shall be subject to a penalty in the sum of \$100.00. It shall be a felony for any person to change, break, or tamper with, or cause to be changed, broken, or tampered with, the sealing device or sealing thereof after the same has been properly installed and inspected by some authorized agent of the commission.

[1909 c. 319 s. 3] (4671)

216.38 SCALES; COMMISSION MAY REQUIRE. After an investigation and hearing, upon its own motion, the commission is hereby authorized to require the installation of track scales at terminal warehouses where it shall find such installations to be practicable and to be necessary for the prompt and economical weighing of grain and grain products at such warehouses; provided, that the expense of such installation shall be borne by the owner of such warehouse.

[1921 c. 172 s. 1] (4672)

216.39 TRACK SCALES. The commission shall have power to order in and require the installation of track scales used by common carriers at all points in the state where the same are deemed to be necessary, and enforce reasonable regulations for the weighing of cars and of freight.

All track scales used by common carriers for the purpose of weighing carload freight shall be under the control and jurisdiction of the commission and subject to inspection, exempt from the jurisdiction of sealers of weights and measures. The entire cost of such supervision and inspection shall be a proper charge against the common carriers interested in or owning the several scales, the same to be paid upon a statement rendered by the commission. All moneys collected shall be credited to the grain inspection fund.

[1911 c. 252; 1913 c. 129 s. 1] (4673)

216.40 TRACK SCALES; EQUIPMENT FOR TESTING. The commission is hereby authorized to purchase two test cars, to be used in testing track scales, at a cost of not to exceed \$5,000 each; also to erect on some railroad track in or near Minneapolis, St. Paul, or Minnesota Transfer, where a permanent free site can be procured, a master track scale with a building for the same, to be used in testing and verifying weights of test cars; scales and building not to cost to exceed \$7,500.

[1913 c. 128 s. 1] (4675)

216.41 TRACK SCALES; INSTALLED; COST. The commission is hereby authorized to purchase and install a two section master railroad track scale, to be used in proving the correctness of railroad track scale test cars. The commission also is authorized to repair and extend the present master track scale house and railroad track, and to alter and repair its railroad track scale test cars, at a total cost for all such betterments of not to exceed \$20,000.

The commission is hereby authorized to pay the cost of the foregoing betterments from the grain inspection fund.

[1923 c. 118 ss. 1, 2] (4676) (4677)

216.42 WEIGHING COAL; TRACK SCALES; POWERS OF COMMISSION. The commission shall have power to enforce reasonable regulations for the weighing of cars of coal offered for shipment in carload lots in this state, except coal shipped by any person, company or corporation for their own use or consumption.

All track scales now or hereafter used by common carriers or by shippers of coal for the purpose of weighing carload lots of coal shall be under the control

Acct 174 s. 173-1

and jurisdiction of and subject to inspection by such commission, and such scales over which the commission assumes control and jurisdiction, shall be exempt from the jurisdiction of sealers of weights and measures.

[1911 c. 326 s. 1] (4678)

216.43 COAL; CARLOAD LOTS; DUTY OF COMMISSION. The commission shall cause to be weighed all coal shipped in carload lots from any coal dock or coal distributing point in the state, except coal shipped therefrom by any person, company or corporation for their own use or consumption.

[1911 c. 326 s. 2] (4679)

216.44 COAL; WEIGHERS; FEES. The commission shall appoint such weighmasters and weighers as may be necessary to carry the provisions of sections 216.50 to 216.53 into effect. Each weighmaster and each weigher shall give bond to the State of Minnesota in the sum of \$5,000, conditioned for the faithful discharge of his duty, and each weighmaster and each weigher shall have authority to carry out and perform his duties hereunder, pursuant to such rules and regulations as shall be prescribed by the commission and shall, pursuant thereto, control and supervise the weighing of all coal herein required to be weighed by such commission.

The fees for such weighing shall be fixed by the commission and be paid by the person, firm, or corporation making such shipment.

[1911 c. 326 ss. 3, 4] (4680) (4681)

216.45 GRAIN SECTIONS APPLICABLE TO COAL. All of the provisions of sections 216.21 to 216.26, 216.28, 216.29, 216.30, and 216.32, and all acts and parts of acts supplementary thereto, as relating to grain, shall be construed as a part of sections 216.50 to 216.53 and as relating to coal and coal shipments in carload lots required to be weighed in accordance with the provisions of sections 216.50 to 216.53 so far as applicable thereto.

[1911 c. 326 s. 5] (4682)

216.46 SCALES IN STOCKYARDS; POWERS OF COMMISSION. The commission shall have the power to order in and require the installation and maintenance of stock scales at all stockyards in the state where the same are deemed to be necessary and to fix the capacity of the scales, which scales shall be for the free use of all patrons of such stockyards shipping live stock from, into, or through such stockyards.

[1913 c. 252 s. 1] (4683)

216.47 STOCK WEIGHERS; APPOINTMENT OF; BONDS; REPORTS; CERTIFICATES; QUALIFICATIONS; ACTION ON BONDS; REVOCATION OF APPOINTMENT. The commission shall appoint at public stockyards such weighers as may be necessary for the purpose of weighing live stock. Every such weigher shall give to the state a bond in the sum of \$5,000 conditioned for the faithful discharge of his duty.

Such weighers shall report daily to the supervisor of stockyards all weights taken by them in such form as he may prescribe. The supervisor of stockyards shall furnish to interested parties a certificate setting forth the number of animals weighed, for whose account weighed, and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified.

No such weigher shall, during his term of service, be in any manner interested in the handling, shipping, purchasing, or selling of live stock, or in the employment of any person or corporation engaged therein, nor shall he be a member of any live stock exchange or organization of like character.

All bonds required by this section shall be filed with the secretary of state, and suit may be brought thereon by any person injured by the misconduct of the principal.

Upon written complaint filed with the commission, charging any such weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commission shall investigate such charge and, if it be sustained, remove such officer.

[Ex. 1919 c. 40 ss. 1, 2, 4, 5, 6] (4685) (4686) (4688) (4689) (4690)

216.48 WEIGHING STOCK; FEES. The commission shall prescribe the fee necessary to cover the cost of supervision and weighing to be assessed and collected in such manner as it may prescribe. All moneys so collected shall be deposited in the state treasury and known as the "live stock weighing fund," and paid out only on order of the commission and the auditor's warrant. The interest from such

deposits of these moneys shall be credited on the first day of each month to such fund, and notice of the amount of such interest shall be sent to the commission.

[*Ex. 1919 c. 40 s. 3; 1921 c. 146 s. 2*] (4687)

216.49 STOCK WEAHER; IMPERSONATING; PENALTY. Any person not duly appointed and qualified, who shall assume to act as such weigher, shall be guilty of a misdemeanor and be punished by a fine of not less than \$50.00, nor more than \$100.00.

[*Ex. 1919 c. 40 s. 7*] (4691)

216.50 FALSE CERTIFICATES OF WEIGHTS; PENALTIES. Any such weigher of live stock who shall knowingly or carelessly weigh any live stock improperly, or give any false certificates of weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall improperly influence, or attempt to influence, any such officer in the performance of his official duty, shall be guilty of a gross misdemeanor and punished by a fine of not less than \$100.00, nor more than \$1,000, or imprisonment in the county jail for not less than 30 days, nor more than one year, or by both such fine and imprisonment.

[*Ex. 1919 c. 40 s. 8*] (4692)

216.51 SUPERVISOR OF WEIGHTS; "STATE WEAHER;" USE OF PROHIBITED. Any person who is not connected with the state weighing department is hereby prohibited from using the term "supervisor of weights" or "state weigher," any representation of the seal of the state, or any other words or device calculated or tending to indicate that the certificate or receipt is issued under state authority, or to otherwise deceive or mislead the public or any person interested, when issuing certificates or receipts purporting to show the weight of live stock.

Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor.

[*Ex. 1919 c. 40 s. 9*] (4693)

216.52 WEAHER; INTERFERENCE WITH. Any person or corporation who shall obstruct any state supervisor or weigher in the performance of his official duties by preventing his proper access to the scales used in the weighing of live stock or otherwise, shall forfeit to the state \$100.00 for each offense.

[*Ex. 1919 c. 40 s. 10*] (4694)

216.53 WATER IN STOCKYARDS; POWERS OF COMMISSION. The commission shall also have power to order the railroad company to furnish water for the use of stock at all stockyards in the state, where the same is deemed to be necessary.

[*1913 c. 252 s. 3*] (4695)

216.54 RATES; SCHEDULE OF; POWERS OF COMMISSION. The commission shall make and publish a schedule of joint through railway rates for such traffic and on such routes as in its judgment the fair and reasonable conduct of business requires shall be done by carriage over two or more lines of railway, and will promote the interests of the people of this state. In the making thereof, and changing, revising, or adding to the same the commission shall be governed as nearly as may be by section 216.69, and shall take into consideration among other things the rates established for shipments within this state for like distances over single lines, the rates charged by the railway companies operating such connecting lines for joint interstate shipments, and the increased cost, if any, of a joint through shipment as compared with a shipment over a single line for like distances. In establishing such rates for shipments in less than carload lots, in cases where at the connecting point or points in the line of shipment the connecting railways have not and are not required to have a common station or stopping place for loading or unloading freight, the commission shall make such lawful regulations as in its judgment will be fair and just respecting the transportation of such freight from the usual unloading place of one railway to the usual loading place of the other. The joint through rates thus established shall be promulgated by mailing a printed copy thereof to each railway company affected thereby and shall go into effect within ten days after they are so promulgated; and from and after that time an official printed schedule thereof shall be prima facie evidence in all courts of this state that the rates therein fixed are just and reasonable for the joint transportation of such freight between the points and over the lines described therein. The commission shall deliver a printed copy of the schedule to any person making

application therefor. The share of any railway company of any joint through rate shall not be construed to fix the charge that it may make for transportation for a similar distance over any part of its line for any single rate shipment or the share of any other joint rate. The commission, upon such reasonable notice as it may prescribe, may, upon its own motion or upon the application of any person, firm, or corporation interested therein, revise, change, or add to any joint through rates fixed or promulgated hereunder; and any such revised, changed, or added joint rates shall have the same force and effect as the rate or rates originally established. The commission is empowered to authorize upon proper hearing any railway company whose line connects the point of shipment with the point of destination but requires a longer haul than the joint haul over which a joint rate has been established, to charge the joint rate without affecting the charge upon any other part of its line, except that the charge for a like kind of property must not be greater for a shorter than for a longer distance over its railroad, all of the shorter haul being included within the longer. This section shall apply to interurban railways and their connection with ordinary steam railways.

[1913 c. 344 s. 2] (4700)

216.55 RATES; RAILROADS; COMMISSION TO INVESTIGATE. When in its judgment the public interest requires it, the commission is hereby authorized, either upon its own motion or upon written complaint, to institute an investigation for the purpose of determining whether the maximum rates prescribed by any law of the state, to be charged by any railroad company owning, operating, or using a line of railroad wholly or partly within the state for the intrastate transportation of passengers and their ordinary baggage, are under the then existing conditions reasonable. All railroad companies whose rates are involved in such investigation shall have such notice thereof as the commission shall deem reasonable and shall have an opportunity to be heard therein. For the purpose of such investigation the commission may require the attendance of witnesses and the production of books, records, papers, and documents. If upon such investigation the commission finds that such maximum rates are so low as to be unreasonable, they shall make an order prescribing a schedule of reasonable maximum rates and fix the date when the same shall become effective. The rates so prescribed by the commission shall on that date supersede the rates prescribed by such law and thereafter be the lawful maximum rates for such services, unless and until changed by the further order of the commission. The rates so prescribed shall be in force during the pendency of any appeal or other proceeding to review the action of the commission.

[1921 c. 408 s. 1] (4701)

216.56 RAILROADS; CONNECTION WITH MANUFACTORIES. If the owner of any manufactory, warehouse, dock, wharf, mill, coal yard, stone quarry, or brick or lime kiln entitled to connection with any railroad and the carrier operating such railroad fail to agree upon the terms for such connection, upon petition of either party and proper notice to the adverse party the commission shall fix such terms by proceedings as herein provided in case of complaints to and subject to appeal as in such cases.

[R. L. s. 1983; 1913 c. 367 s. 1] (4702)

216.57 BIENNIAL REPORT; DUTY OF COMMISSION. When any report is made to the commission involving a wreck, accident, or casualty and the commission deems it necessary it shall forthwith examine into the causes and circumstances of the same and it shall thereupon be the duty of the commission to order such railroad company to comply with any reasonable requirement prescribed by the commission calculated to prevent the recurrence of any such wreck, accident, or casualty, and it shall be the duty of the commission to report to the legislature biennially a summarized statement of all wrecks, accidents, or casualties reported, together with a recommendation of such additional legislation as it deems proper for the greater protection of passengers and employees of railroad companies.

[1905 c. 122 s. 2; 1907 c. 290 s. 2] (4705)

216.58 COMMISSION TO REPORT TO GOVERNOR. The commission shall report to the governor annually on or before December 1st and at other times, if required by him, their doings for the preceding year with such facts, statements, and explanations as will show the actual working of the system of railroad transportation of the state in its bearings on the business and prosperity of the people, and such suggestions relative thereto as it shall deem proper. It shall also biennially recommend to the governor any amendment of the railroad and warehouse laws

which it shall deem desirable and when directed by the governor shall investigate any matter subject to its supervision and report thereon. All such reports shall be transmitted by the governor to the legislature as soon as practicable.

[R. L. s. 1985] (4707)

216.59 RAILROAD VALUATION; DETAILED STATEMENT BY JUNE 30 OF EACH YEAR. The commission is hereby authorized, at all times, to keep up the physical valuation of the railroad properties of this state, and to that end all railroad corporations under the supervision of the commission are required to furnish to the commission on June 30th each year, unless further time be granted by the commission, and at such other times as the commission may require, a detailed statement showing changes in the physical conditions of its properties in this state and the elements of cost entering into such changes in both debits and credits of such property, and the distribution of the debits and credits, whether charged to operating or capital accounts, verified by the president, chief engineer, general auditor or comptroller, in such manner and form as the commission may prescribe, covering the year ending December 31st next preceding.

[1909 c. 147 s. 1; 1913 c. 125 s. 1; 1917 c. 22 s. 1] (4712)

216.60 INQUISITORIAL POWERS OF COMMISSION. The commission shall have the authority to examine all books, contracts, vouchers, receipts, and all other papers or documents that it may deem necessary for the purposes of section 216.75.

[1913 c. 125 s. 2] (4713)

216.61 MILLING IN TRANSIT; COMMISSION TO ADJUST CREDITS WHERE MILL DESTROYED. When it shall be made to appear to the commission that any flouring mill situated at a railroad station in this state, having "milling in transit" railroad rates, has been destroyed by fire or other casualty without the fault of the owner or operator thereof, and that at the time of the destruction of such mill the person, firm, or corporation operating the same was entitled to ship the products of the flouring mill to a designated terminal point in this state on "transit" arising out of the prepayment of the through rate to such terminal point on grain billed from some station in this state to such terminal, but delivered at the mill in transit to be ground, and the products thereof forwarded to such original terminal instead of the grain itself, the commission may, upon such reasonable notice as it may fix, hear the claims of such transit creditor and transit debtor with reference thereto, and after having found the facts the commission may, by order, permit the use of such transit by the owner in payment of the transportation of grain or its products from other flouring mills or elevators on the lines of such railroad to the same terminal point; provided, that if the shipment in which such transit shall be used covers a greater distance than that from the destroyed mill to the terminal point, regular rates must be paid for such additional distance, and if the shipment in which it shall be used covers less than such original distance, transit for the original distance shall, nevertheless, be applied thereon.

[1911 c. 98 s. 1; 1913 c. 17 s. 1] (4717)

216.62 PASSENGER TRAINS; DISCONTINUED ONLY WITH CONSENT OF COMMISSION. No company operating any line of railroad by steam in this state as a common carrier of passengers shall discontinue the operation of any of its regularly scheduled intrastate passenger trains unless written application has been filed with the commission for authority so to do and an order has been made by the commission granting such authority. No such order shall be made until a hearing has been had and the commission finds that by the discontinuance of such passenger train the public will not be deprived of reasonably adequate service.

[1923 c. 214 s. 1] (4718)

216.63 RATES; UNREASONABLE; POWERS OF COMMISSION. The provisions of Laws 1907, Chapter 232, shall not in any manner affect the power or authority of the commission, except that no duty shall rest upon the commission to enforce any rates specifically fixed by any statute of this state. When in a proceeding regularly pending before the commission it shall be made to appear to the satisfaction of the commission that the rates prescribed in Laws 1907, Chapter 232, are unreasonable it may by order fix higher or lower rates for the transportation of any of the commodities therein mentioned over the line of any railroad in this state; and such rates when so fixed shall supersede the rates therein prescribed upon that line of railroad and be enforced as prescribed by the law relating to such orders; but until such order shall have been made by the commission the rates prescribed in Laws 1907, Chapter 232, shall be the exclusive

legal maximum rates for the transportation of the commodities therein enumerated between points within this state.

[1907 c. 232 s. 5] (4783)

216.64 RATES; DUTIES OF RAILROAD COMPANIES; PENALTIES. Every railroad company transacting the business of a common carrier within this state shall adopt and publish and put into effect rates not exceeding the charges specified for the transportation by it between stations upon its line of road in this state of the commodities named in Laws 1907, Chapter 232; and every officer, director, traffic manager, agent, or employee of such railroad company, exercising any authority, or being charged with any duty in establishing freight rates for such railroad company, shall cause the adoption, publication, and use by such railroad company of rates not exceeding those specified in Laws 1907, Chapter 232; and any officer, director or such agent or employee of any such railroad company who violates any of the provisions of this section, or who causes or counsels, advises, or assists any such railroad company to violate any of the provisions of this section, shall be guilty of a misdemeanor and may be prosecuted therefor in any county into which its railroad extends and in which it has a station; and, upon conviction thereof, be punished by imprisonment in the county jail for a period not exceeding 90 days.

[1907 c. 232 s. 6] (4784)

216.65 RULES AND REGULATIONS; COMMISSION MAY PRESCRIBE; REVISE. The commission upon such reasonable notice as it may prescribe may from time to time upon its own motion or upon the application of any corporation, partnership, or person interested therein, revise, change, or add to any rule or regulation fixed hereunder and any such revised, changed, or added rules and regulations shall be served in the same manner and have the same force and effect as the rules and regulations originally established.

[1917 c. 118 s. 7] (4952)

216.66 CARS; COMMISSION TO REGULATE DISTRIBUTION. The commission is hereby given full power and authority and it is hereby made its duty, after having given reasonable notice and upon hearing being had, to make, publish, and enforce from time to time such reasonable and just rules and regulations for the distribution of cars at stations for the transportation of live stock, grain, and other farm products, among the shippers, whether located upon a certain railroad line or lines, or customarily dependent upon such railroad line for their car supply.

[1921 c. 307 s. 1] (4855)

216.67 LAWS; ENFORCEMENT; DUTY OF COMMISSION. It shall be the duty of the commission to enforce the provisions of Chapters 216 to 240.

[1905 c. 208 s. 3; 1907 c. 202; 1909 c. 488 s. 10; 1909 c. 173 s. 2; 1909 c. 377 s. 3; 1921 c. 244 s. 3] (4894) (4923) (4902) (4752) (4891)

216.68 FORFEITURES; VIOLATIONS; PENALTIES. Subdivision 1. Any railroad company failing to comply with any order of the commission made under section 216.22 shall be subject to a penalty of \$50.00 for each and every day of such failure to comply with such order, to be recovered in a civil action brought by the attorney general.

Subdivision 2. Any person who shall violate any of the provisions of section 216.57 shall be guilty of a misdemeanor and punished by a fine of not less than \$100.00, nor more than \$1,000, or imprisonment in the county jail for not less than 30 days, nor more than one year, or suffer both such fine and imprisonment in the discretion of the court.

Subdivision 3. Any railroad corporation failing to comply with the provisions of sections 216.59 and 216.60, or any order of the commission made thereunder, shall forfeit, for each day's default, \$100.00, to be recovered in a civil action in the name of the state.

[1905 c. 122 s. 3; 1911 c. 317 s. 2; 1913 c. 125 s. 3] (4706) (4648) (4714)