

Railroads, Warehouses, Utilities, Grain, Livestock

CHAPTER 216

RAILROAD AND WAREHOUSE COMMISSION

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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 [Repealed, Ex1957 c 10 s 8]

216.07 [Repealed, Ex1957 c 10 s 8]

216.08 [Repealed, Ex1957 c 10 s 8]

216.09 [Repealed, Ex1957 c 10 s 8]

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 [Repealed, Ex1957 c 10 s 8]

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 [Repealed, Ex1957 c 10 s 8]

216.20 [Repealed, Ex1957 c 10 s 8]

216.21 [Repealed, Ex1957 c 10 s 8]

216.22 [Repealed, Ex1957 c 10 s 8]

216.225 [Repealed, Ex1957 c 10 s 8]

216.23 [Repealed, Ex1957 c 10 s 8]

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.

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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,

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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 INTERSTATE COMMERCE 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 to 216.41 [Repealed, Ex1957 c 10 s 8]

216.42 [Repealed, Ex1957 c 10 s 8]

NOTE: Section 216.42 is amended by Laws 1957, Chapter 647, Section 1, to read:

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 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.

Sections 2 and 3 of Chapter 647 read:

Sec. 2. **Repealer.** Minnesota Statutes 1953, Sections 216.43, 216.44 and 216.45 are hereby repealed as of December 31, 1958.

Sec. 3. **Termination of duties, railroad and warehouse commission.** The duties and responsibilities of the Railroad and Warehouse Commission imposed by Minnesota Statutes 1953, Sections 216.43, 216.44 and 216.45 may be terminated at the discretion of the Railroad and Warehouse Commission and shall terminate the same not later than December 31, 1958.

216.43 [Repealed, Ex1957 c 10 s 8]

NOTE: See note to Section 216.42.

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216.44 [Repealed, Ex1957 c 10 s 8]

NOTE: See note to Section 216.42.

216.45 [Repealed, Ex1957 c 10 s 8]

NOTE: See note to Section 216.42.

216.46-216.62 [Repealed, Ex1957 c 10 s 8]

216.63 [Repealed, 1949 c 440 s 7]

216.64 [Repealed, 1949 c 440 s 7]

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 [Repealed, Ex1957 c 10 s 8]

216.67 LAWS; ENFORCEMENT; DUTY OF COMMISSION. It shall be the duty of the commission to enforce the provisions of sections 219.37, 219.58 to 219.66, 219.86, 219.87, and 219.91.

[1905 c 208 s 3; 1907 c 202 s 1; 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 [Repealed, Ex1957 c 10 s 8]