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ing connecting and transfer facilities in the event the companies fail to agree.

(3) Direct construction, maintenance and operation at any points prescribed by law of all side tracks and reasonable facilities connecting any road with any grain warehouse or mill, dock, wharf, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant, or manufactory adjacent thereto, and prescribe the terms therefor.

(4) Direct the discontinuance of any regularly scheduled intrastate passenger trains upon a finding that the public will not be deprived of reasonably adequate service thereby.

(5) Prescribe rules for distribution of cars at stations for use of shippers of livestock and farm products.

(6) Require installation of track scales at terminals, warehouses and at all other points in the state where the same are deemed necessary and prescribe reasonable regulations for the weighing of cars and of freight.

(7) Prescribe the speed at which and the conditions under which cars of livestock shall be moved by any carrier within the state in intrastate shipments.

(8) Prescribe the fees necessary to cover cost of supervision and weighing and the method of assessment and collection thereof.

(9) Prescribe reasonable regulations for handling property, passenger, baggage, express and mail, partly over privately owned rights-of-way and partly over highways, so that reasonable and adequate accommodations and service may be afforded.

(10) Prescribe the extent to which any designated carrier, upon its petition, may be relieved from the operation of the principles established by section 218.021, subdivision 1, clauses (6), (7) and (8).

Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to him to have an interest in the matter and publish notice of the petition in the state register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption shall be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without hearing, the petitioner may request within 30 days of receiving a notice of denial, and shall be granted, a contested case hearing on the application.

[For text of subds 4 to 6, see M.S.1976]

[1977 c 346 s 12]

CHAPTER 219. COMMON CARRIERS; RAILROADS; REGULATIONS, LIABILITIES

Sec.
219.40 Determination; order; flagmen or safety device.
219.401 Repealed.

Sec.
219.741 Application for removal.
219.761 Locomotive fires; reimbursement for extinguishment. [New]

219.40 Determination; order; flagmen or safety device.

If a complaint is made under section 219.39, the commissioner shall determine whether the crossing is dangerous and may with or without a hearing require

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the railroad company complained of to provide flagmen at such crossing, or to adopt such safety devices as the commissioner may deem necessary for the proper protection of the crossing, or may require the removal of any structure, embankment or other obstruction to the view, or may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state transportation department interested, on such terms and conditions as may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the commissioner may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the commissioner. If the complainant or the railroad files exceptions to an order of the commissioner made under this section without a hearing, the commissioner shall convene a hearing on the original complaint. If the commissioner or his designee after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by rule of the commissioner, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, he may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the commissioner or his designee on the basis of benefit to the users of each; or the commissioner or his designee may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of transportation. In all other cases the public's share of the costs shall be paid from available funds or from the trunk highway fund, if ordered by the commissioner or his designee, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.

[1977 c 454 s 27]

219.401 [Repealed, 1977 c 454 s 49]

219.741 Application for removal.

Any railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first make application to the commissioner in writing. Before passing upon such application the commissioner shall follow the procedure set out in section 218.041, subdivision 3.

[1977 c 346 s 13]

219.761 Locomotive fires; reimbursement for extinguishment.

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

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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 section, 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.

[1977 c 95 s 1]

CHAPTER 221. MOTOR VEHICLE CARRIERS; PIPELINE CARRIERS; FOR HIRE, REGULATION

Sec.
221.141 Insurance or bonds of motor carriers.
221.64 Registration fee; exemptions.

221.141 Insurance or bonds of motor carriers.

Subdivision 1. Before any certificate or permit shall be issued to any motor carrier, it shall secure and cause to be filed with the commissioner and keep the same at all times in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability and indemnity insurance in such amount and in such form as the commissioner shall have prescribed, covering injuries and damage to persons or property occurring on the highways, other than the employees of such motor carrier or the property being transported by such carrier, provided that the commissioner shall require cargo insurance for certificated carriers, except those carrying passengers exclusively, and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Any insurance issued to satisfy the requirements of this subdivision shall be subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than 30 days' written notice to the insured and to the commissioner. Such insurance or bond may from time to time be reduced or increased by order of the commissioner. The commissioner may, if desired by the petitioner, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. The failure to maintain and cause to be filed a certificate for any required insurance or security shall, two days after dispatch by the commissioner by certified or registered mail of notice of such suspension, addressed to the last known address of the motor carrier, suspend the permit or certificate without further administrative proceedings until such time as the requirements of this subdivision have been satisfied.

[For text of subd 2, see M.S.1976]

[1977 c 122 s 1]

221.64 Registration fee; exemptions.

Such registration as herein provided shall be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25. Upon petition, and payment of said fee if applicable, the commissioner shall furnish to the regis-