

CHAPTER 219

COMMON CARRIERS; RAILROADS; RULES,
LIABILITIES219.071 Maintenance of grade-crossing
surfaces.

219.072 Establishment of new grade crossings.

219.071 MAINTENANCE OF GRADE-CROSSING SURFACES.*[For text of subd 1, see M.S.1988]*

Subd. 2. **Payment of costs.** If a grade-crossing surface, as defined in section 219.16, needs improvement, repair or maintenance, the cost for the improvement, repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds available to the department for grade-crossing surfaces from the following sources:

- (1) money appropriated to the department in the future for the purposes of this section;
- (2) available federal funds allocated for the grade-crossing program established by this section; and
- (3) money acquired by the department by gift, grant, or contribution from any source for purposes of this section.

*[For text of subds 3 to 5, see M.S.1988]***History:** 1989 c 299 s 3**219.072 ESTABLISHMENT OF NEW GRADE CROSSINGS.**

The establishment of all new grade crossings must be approved by the commissioner. When establishment of a new grade crossing is desired, either by the public officials having the necessary authority or by the railroad company, and the public officials and the railroad company cannot agree as to need, location, or type of warning devices required, either party may file a petition with the commissioner setting forth the facts and submitting the matter for determination. The commissioner, after notice as the commissioner deems reasonable, shall conduct a hearing and issue an order determining the matters submitted. If the commissioner approves the establishment of a new grade crossing, the commissioner may in the same order direct that the costs, including the costs of the type of warning devices required, be divided between the railroad company and the public authority involved as the parties may agree, or, if they fail to agree, then as determined by the commissioner on the basis of benefit to the users of each. However, the commissioner may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken.

History: 1989 c 299 s 4