

219.761 EXTINGUISHING LOCOMOTIVE FIRE; REIMBURSEMENT.

Subdivision 1. **Reimbursement.** A railroad operating in Minnesota is 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 firefighting corporation extinguishes a fire arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall, within 60 days after the first full day after extinguishment, give the railroad, by mail, written notice stating the circumstances of the fire as then 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 is 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 firefighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

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

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

(b) Neither the enactment of this section nor its subsequent repeal or termination alters 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.

History: 1977 c 95 s 1; 1981 c 32 s 2; 1985 c 265 art 4 s 1