CHAPTER 219

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219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.

(a) The track safety standards of the United States Department of Transportation and Federal Railroad Administration apply to railroad trackage and are the standards for the determination of unsafe trackage within the state.

(b) The commissioner of transportation shall apply to the Federal Railroad Administration under Public Law 110-432, the Rail Safety Improvement Act of 2008 (the act), for (1) railroad safety technology grant funding available under section 105 of the act and (2) development and installation of rail safety technology, including provision for switch position indicator signals in nonsignalized main track territory, under section 406 of the act. The commissioner shall respond and make application to the Federal Railroad Administration notice of funds availability under the Rail Safety Improvement Act in a timely manner and before the date of the program deadline to assure full consideration of the application. The commissioner shall (i) prioritize grant requests for the installation of switch indicator signals on all segments of nonsignalized track where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in each year after 2010 until all nonsignalized track territory in the state has switch indicator signals installed and in operation.

(c) Prior to applying for funds under paragraph (b), the commissioner shall solicit grant requests from all eligible railroads. The commissioner shall submit written notice to the chairs of the legislative committees with jurisdiction over transportation policy and finance of an acceptance by a Class I or Class II railroad of federal grant program funding for switch point indicator monitor systems.

(d) Participating railroads shall provide the 20 percent nonfederal match. Railroads shall provide all technical documentation requested by the commissioner and required by the Federal Railroad Administration for the applications under paragraph (b). Railroads are responsible for developing, acquiring, and installing all rail safety technology obtained under this section in accordance with requirements established by the Federal Railroad Administration.

History: *(4728) RL s 1992; 1980 c 460 s 7; 1985 c 265 art 4 s 1; 2010 c 351 s 54; 2011 c 76 art 1 s 34*

219.015 STATE RAIL SAFETY INSPECTOR.

Subdivision 1. **Program established; inspector powers and duties.** (a) The commissioner of transportation must establish a state rail safety inspection program that may include state rail safety inspectors and supervision as determined by the commissioner. The commissioner shall apply to and enter into agreements with the Federal Railroad Administration (FRA) of the United States Department of Transportation to participate in the federal State Safety Participation Program to train and certify inspectors under authority of United States Code, title 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212.

(b) A state rail safety inspector may:

(1) inspect mainline track, secondary track, and yard and industry track;

(2) inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges, overhead structures, and traffic and other public crossings;

(3) inspect yards and physical plants;

(4) inspect train equipment;

(5) inspect railroad operations;

(6) inspect railroad-highway grade crossings;

(7) inspect railroad signal and train control systems;

(8) review and enforce safety requirements;

(9) review maintenance and repair records; and

(10) review railroad security measures.

(c) A state rail safety inspector may perform, but is not limited to, the duties described in the federal State Safety Participation Program. An inspector may train, be certified, and participate in any of the federal State Safety Participation Program disciplines, including: track, signal and train control, motive power and equipment, operating practices compliance, hazardous materials, and highway-rail grade crossings.

(d) To the extent delegated by the Federal Railroad Administration and authorized by the commissioner, an inspector may issue citations for violations of this chapter, or to ensure railroad employee and public safety and welfare.

Subd. 2. **Railroad company assessment; account; appropriation.** (a) As provided in this subdivision, the commissioner must annually assess railroad companies that are (1) defined as common carriers under section 218.011; (2) classified by federal law or regulation as Class I Railroads, Class I Rail Carriers, Class II Railroads, or Class II Rail Carriers; and (3) operating in this state.

(b) The assessment must be calculated to allocate state rail safety inspection program costs proportionally among carriers based on route miles operated in Minnesota at the time of assessment. The commissioner must include in the assessment calculation all state rail safety inspection program costs to support up to six rail safety inspector positions, including but not limited to salary, administration, supervision, travel, equipment, training, and ongoing state rail inspector duties.

(c) The assessments collected under this subdivision must be deposited in a state rail safety inspection account, which is established in the special revenue fund. The account consists of funds provided by this subdivision and section 221.0255 and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account is appropriated to the commissioner to administer the state rail safety inspection program and for costs under section 221.0255.

Subd. 3. **Work site safety coaching program.** The commissioner may exempt a common carrier not federally classified as Class I from violations for a period of up to two years if the common carrier applies for participation in a work site safety coaching program, such as the "MNSharp" program administered by the Minnesota Department of Labor and Industry, and the commissioner determines such participation to be preferred enforcement for safety or security violations.

Subd. 4. **Appeal.** Any person aggrieved by an assessment levied under this section may appeal within 90 days any assessment, violation, or administrative penalty to the Court of Administrative Hearings, with further appeal and review by the district court.

History: *2008 c 287 art 1 s 76; 2014 c 312 art 10 s 7,8; 1Sp2021 c 5 art 4 s 101,102; 2023 c 68 art 4 s 72; 2024 c 127 art 3 s 87; 2025 c 20 s 191; 2025 c 39 art 2 s 68*

219.016 HAZARDOUS MATERIALS RAIL SAFETY.

Subdivision 1. **Program established.** A hazardous materials rail safety program is established for the purpose of reducing the risks associated with the transportation of oil, ethanol, and other hazardous material by rail.

Subd. 2. **Accounts established.** Two hazardous materials rail safety program accounts are created, one in the special revenue fund and one in the bond proceeds fund. The account in the special revenue fund consists of money as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in each account is appropriated to the commissioner of transportation to make grants as provided in this section.

Subd. 3. **Eligible applicant.** A county, statutory or home rule charter city, or town that is responsible for establishing and maintaining public highway-rail grade crossings on rail corridors transporting crude oil and other hazardous materials may apply to the commissioner for financial assistance under this section.

Subd. 4. **Eligible project.** (a) A project is eligible for a grant from the account in the bond proceeds fund if the project is for the acquisition or betterment of public land, buildings, and other public improvements of a capital nature within the meaning of the Minnesota Constitution, article XI, section 5, clause (a) or (i), including capital costs associated with hazardous materials rail safety projects on public highway-rail grade crossings. Qualifying capital costs include but are not limited to upgrades to existing protection systems, the closing of crossings and necessary roadwork, and reconstruction of at-grade crossings to full grade separations.

(b) A project is eligible for a grant from the account in the special revenue fund if it is for purposes described in paragraph (a) or other capital facility improvement purposes that support the purposes for which this grant program is established, including capital costs associated with planning, engineering, administration, and construction of public highway-rail grade crossing improvements on rail corridors transporting crude oil and other hazardous materials. Improvements may include upgrades to existing protection systems, the closing of crossings and necessary roadwork, and reconstruction of at-grade crossings to full grade separations.

Subd. 5. **Grants; criteria for grant award.** The commissioner must consider the following criteria to evaluate applications for a grant award under this section:

(1) whether the crossing was identified as a potential candidate for grade separation in the Department of Transportation's crude by rail grade crossing study (Improvements to Highway Grade Crossings and Rail Safety, December 2014);

(2) roadway traffic volumes and speeds;

(3) train volumes and speeds;

(4) adjacent land use;

(5) crash history;

(6) use of the crossing by emergency vehicles;

(7) use of the crossing by vehicles carrying hazardous materials; and

(8) local financial contributions to the project.

Subd. 6. **Process.** The commissioner must develop forms and procedures for soliciting and reviewing applications for grants under this section. An applicant must apply for a grant in the manner and at the times determined by the commissioner.

Subd. 7. **Grant cancellation.** If, five years after execution of a grant agreement, the commissioner determines that the grantee has not proceeded in a timely manner with implementation of the project funded, the commissioner must cancel the grant and the grantee must repay to the commissioner all grant money paid to the grantee. Section 16A.642 applies to any appropriations made from the bond proceeds fund to the commissioner under this section that have not been awarded as financial assistance.

History: *1Sp2017 c 8 art 2 s 13*

219.02 MS 1978 [Repealed, 1980 c 460 s 32]

219.03 MS 1978 [Repealed, 1980 c 460 s 32]

219.04 MS 1978 [Repealed, 1980 c 460 s 32]

219.05 MS 1978 [Repealed, 1980 c 460 s 32]

219.055 INCIDENT EMERGENCY RESPONSE; PREPAREDNESS AND INFORMATION.

Subdivision 1. **Definitions.** (a) The definitions in section 115E.01 apply to this section except as otherwise provided in this subdivision. For purposes of this section, the following terms have the meanings given.

(b) "Applicable emergency manager" means an emergency manager having jurisdiction along the routes over which oil or other hazardous substance cargo is transported by a rail carrier.

(c) "Applicable fire department officer" means a fire chief or other senior officer of a fire department having jurisdiction along the routes over which oil or other hazardous substance cargo is transported by a rail carrier.

(d) "Emergency manager" means the director of a local organization for emergency management under section 12.25.

(e) "Hazardous substance" means any material identified in the definition of hazardous substance under section 115B.02, subdivision 8, or Code of Federal Regulations, title 49, section 171.8.

(f) "Incident commander" means the official who has responsibility under National Incident Management System guidelines for all aspects of emergency response operations at an incident scene.

(g) "Rail carrier" means a railroad company that:

(1) is defined as a common carrier under section 218.011, subdivision 10;

(2) is classified by federal law or regulation as a Class I railroad, Class I rail carrier, Class II railroad, Class II rail carrier, Class III railroad, or Class III rail carrier; and

(3) operates unit trains or a train with at least one rail car carrying oil or hazardous substance cargo in this state.

(h) "Unit train" has the meaning given in section 115E.01, subdivision 11d.

Subd. 2. **Traffic review.** Within ten business days of receiving a written request, a rail carrier must provide a traffic review to the commissioner of public safety, a requesting emergency manager, or a fire chief having jurisdiction along the routes over which oil or other hazardous substances are transported. The traffic review under this subdivision must include information on the types and volumes of oil or other hazardous substances transported through the requester's jurisdiction during the prior calendar year.

Subd. 2a. **Training.** (a) Each railroad must offer training to each fire department and each local organization for emergency management under section 12.25 having jurisdiction along routes over which the railroad transports oil or other hazardous substances. Refresher training must be offered to each fire department and local organization for emergency management at least once every three years after initial training under this subdivision.

(b) The training must address methods to identify rail cars and hazardous substance contents, responder safety issues, rail response tactics, public notification and evacuation considerations, environmental contamination response, railroad response personnel and resources coordination at an incident, and other protocols and practices for safe initial local response as required under section 115E.042, subdivision 4, including the notification requirements and the responsibilities of an incident commander during a rail incident involving oil or other hazardous substances, as provided in subdivision 3a and section 115E.042, subdivision 4.

Subd. 3. **Emergency response planning; information sharing.** Upon written request, a rail carrier must provide to the commissioner of public safety, an emergency manager, or a fire chief having jurisdiction along the routes over which oil or other hazardous substances are transported:

(1) a complete copy of prevention and response plans submitted under section 115E.042, subdivision 6; and

(2) a copy of the data and information, including risk assessment information, used to develop the rail carrier's route analysis as required under Code of Federal Regulations, title 49, section 172.820, or successor requirements.

Subd. 3a. **Emergency response planning; coordination.** (a) Each railroad must communicate at least annually with each applicable emergency manager, safety representatives of railroad employees governed by the Railway Labor Act, and each applicable fire department officer along the routes over which oil or other hazardous substances are transported, in order to:

(1) ensure coordination of emergency response activities between the railroad and local responders;

(2) assist emergency managers in identifying and assessing local rail-specific threats, hazards, and risks; and

(3) assist railroads in obtaining information from emergency managers regarding specific local natural and technical hazards and threats in the local area that may impact rail operations or public safety.

(b) The coordination under paragraph (a), clauses (2) and (3), must include identification of increased risks and potential special responses due to high population concentration, critical local infrastructure, key

facilities, significant venues, sensitive natural environments, and other factors identified by railroads, emergency managers, and fire departments.

(c) The commissioner of public safety must compile and make available to railroads a list of applicable emergency managers and applicable fire chiefs, which must include contact information. The commissioner must make biennial updates to the list of emergency managers and fire chiefs and make the list of updated contact information available to railroads.

Subd. 4. **Emergency response planning; coordination meetings.** (a) Within 30 days of receiving a written request, a rail carrier must be available to meet with the commissioner of public safety, a requesting emergency manager, or a fire chief having jurisdiction along the routes over which oil or other hazardous substances are transported concerning emergency response planning and coordination.

(b) At a meeting held under this subdivision, a rail carrier must provide:

(1) a review of the rail carrier's emergency response planning and capability, including railroad response timelines and resources to provide:

(i) technical advice and recommendations;

(ii) trained response personnel;

(iii) specialized equipment; and

(iv) any other available resources to support an incident commander who conducts a public safety emergency response under the National Incident Management System; and

(2) inventory information on emergency responses involving oil or other hazardous substances, consisting of:

(i) equipment owned by the rail carrier, including equipment type and location;

(ii) the rail carrier's response personnel, including contact information and location; and

(iii) resources available to the rail carrier through contractual agreements.

Subd. 5. **Real-time emergency response information; report required.** (a) The commissioner of public safety must, through the Minnesota Fusion Center, receive and disseminate emergency response information as provided through the AskRail application or other wireless communication device application described in paragraphs (b) and (c) under section 7302 of the FAST Act of 2015, Public Law 114-94, and federal regulations adopted under that section.

(b) By July 1, 2024, the state fire marshal and the Division of Homeland Security and Emergency Management, along with interested emergency management organizations and fire chiefs, may encourage the adoption of the AskRail application or other wireless communication device application for incorporation into emergency response capabilities and to provide information on the transportation of oil or other hazardous substances by rail.

(c) On and after July 1, 2024, all rail carriers subject to this section and section 115E.042 must collectively provide information on the transportation of oil or other hazardous substances in a digital format through a wireless communication device application.

(d) By March 1, 2025, the commissioner of public safety must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation and public safety policy

and finance regarding the effectiveness of efforts to adopt the AskRail application or other wireless communication device application required under paragraph (c).

Subd. 6. **Public safety emergency response exercises.** (a) For purposes of this subdivision, "tabletop exercise" and "full-scale exercise" have the meanings given in section 115E.042, subdivision 1a.

(b) By July 1, 2025, each rail carrier, upon request, must conduct one tabletop public safety emergency exercise in each emergency management region, as established by the Division of Homeland Security and Emergency Management, where the rail carrier transports oil or other hazardous substances. After July 1, 2025, each rail carrier, upon request, must conduct one tabletop public safety emergency exercise every two years and must alternate emergency management regions where the exercise is conducted.

(c) Exercises conducted by a railroad under this subdivision must include at least one representative from the Department of Public Safety, the regional program coordinator from the Division of Homeland Security and Emergency Management where the exercise is conducted, local emergency management organizations, fire departments, and local units of government that each have jurisdiction along the routes over which oil or hazardous substances are transported by railroad. Each exercise conducted under this subdivision must be attended by safety representatives of railroad employees governed by the Railway Labor Act, United States Code, title 45, section 151, et seq.

(d) To the extent feasible, a rail carrier may conduct tabletop public safety exercises concurrently with the exercises required in subdivision 7.

(e) If the commissioner of the Pollution Control Agency requires a rail carrier to conduct a tabletop public safety emergency response exercise as part of the annual exercise requirements in section 115E.042, subdivision 5, the rail carrier is not required to conduct an additional public safety emergency response exercise in the emergency management region where the exercise took place for that calendar year. If a rail carrier opts to conduct a full-scale exercise, the rail carrier is not required to conduct an additional tabletop public safety emergency exercise in that calendar year if the tabletop exercise occurs after the full-scale exercise is completed.

Subd. 7. **Incident commander response site exercises.** (a) For purposes of this subdivision, "tabletop exercise" and "full-scale exercise" have the meanings given in section 115E.042, subdivision 1a.

(b) By July 1, 2025, each rail carrier, upon request, must conduct one tabletop incident commander response site exercise in each emergency management region, as established by the Division of Homeland Security and Emergency Management, where the rail carrier transports oil or other hazardous substances. After July 1, 2025, each rail carrier, upon request, must conduct one tabletop incident commander response site exercise every two years and must alternate emergency management regions where the exercise is conducted.

(c) Exercises conducted by a railroad under this subdivision must include at least one representative from the Department of Public Safety, the regional program coordinator from the Division of Homeland Security and Emergency Management where the exercise is being conducted, local emergency management organizations, fire departments, and local units of government that each have jurisdiction along the routes over which oil or hazardous substances are transported by railroad. Each exercise conducted under this subdivision must be attended by safety representatives of railroad employees governed by the Railway Labor Act, United States Code, title 45, section 151, et seq.

(d) To the extent feasible, a rail carrier may conduct tabletop incident commander response site exercises concurrently with the exercises required in subdivision 6.

(e) If the commissioner of the Pollution Control Agency requires a rail carrier to conduct a tabletop incident commander response site exercise as part of the annual exercise requirements in section 115E.042, subdivision 5, the rail carrier is not required to conduct an additional exercise in the emergency management region where the exercise took place for that calendar year.

Subd. 8. **Full-scale exercises; requirement.** (a) For purposes of this subdivision, "full-scale exercise" has the meaning given in section 115E.042, subdivision 1a.

(b) On and after July 1, 2023, each Class I railroad, Class I rail carrier, Class II railroad, or Class II rail carrier must, upon request, conduct a full-scale exercise every five years. Upon notification by the commissioner of public safety or the commissioner of the Pollution Control Agency, a Class III railroad or Class III rail carrier that transports oil or other hazardous substances by rail in Minnesota must participate in the full-scale exercise if the exercise occurs in the emergency management region along the routes where the Class III railroad or Class III rail carrier transports oil or other hazardous substances. To the extent feasible, a rail carrier may not conduct consecutive full-scale exercises in the same emergency management region.

(c) A full-scale exercise must be conducted under the time limits provided for a response to a confirmed discharge of oil or hazardous substances under section 115E.042, subdivision 4. The administration of a full-scale exercise must be conducted under the requirements of section 115E.042, subdivision 5, paragraphs (c) and (d). If the commissioner of the Pollution Control Agency requires a rail carrier to participate in a full-scale exercise as provided under section 115E.042, subdivision 5, a rail carrier may conduct the full-scale exercise with any other rail carrier that carries oil or hazardous substances in the emergency management region where the full-scale exercise is to take place.

(d) Each full-scale exercise conducted under this section must be attended by safety representatives of railroad employees governed by the Railway Labor Act, United States Code, title 45, section 151, et seq.

(e) A rail carrier must provide by telephone a qualified company representative with knowledge of the rail carrier's response resources during the exercises.

Subd. 9. **Transportation and response planning data.** (a) Any data provided under subdivisions 2 to 8 to an emergency manager, incident commander, emergency first responder, fire chief, or the commissioner of public safety are nonpublic data, as defined under section 13.02, subdivision 9.

(b) Any prevention and response plan data created under section 115E.042, subdivision 6, that is in the possession of an emergency manager, incident commander, emergency first responder, or fire chief are nonpublic data, as defined in section 13.02, subdivision 9.

History: *2023 c 68 art 4 s 6-7,73,128; 2025 c 20 s 192*

GRADE CROSSINGS

219.06 SIGNS AT CROSSINGS.

A railroad company shall maintain, wherever its lines cross a public road, a proper and conspicuous sign indicating the crossing. A railroad company failing to comply with this section shall forfeit to the town or municipality having charge of the road $10 for each day the failure continues.

History: *(4733) RL s 1994; 1985 c 265 art 4 s 1*

219.07 MS 1978 [Repealed, 1980 c 460 s 32]

219.071 MAINTENANCE OF GRADE-CROSSING SURFACES.

Subdivision 1. **Standards.** It is the primary responsibility of the owner or lessee of railroad track to keep grade-crossing surfaces over public highways safe and passable for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces must extend the full width of the public highway within the railroad track structure.

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.

Subd. 3. **Cost allocation agreement.** If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade-crossing surface, a copy of the agreement must be filed with the commissioner. If the parties to the negotiations contemplate using funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.

Subd. 4. **Commissioner determination.** (a) If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade-crossing surface, either party may invoke the jurisdiction of the department by (1) filing with the commissioner a statement setting forth the status of negotiations and (2) requesting the commissioner to make a final determination of the dispute.

(b) The commissioner, after notifying in writing the parties involved in the negotiations and providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the grade-crossing surface within a reasonable time as needed to comply with the standards set forth in subdivision 1.

(c) The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project (1) by the road authority, (2) from the funds available to the department in subdivision 2, or (3) through other formulas as may be practical and reasonable under the circumstances.

(d) A party failing to comply with an order of the commissioner is subject to a penalty of $50 for each day of noncompliance, to be recovered for the state in a civil action instituted by the department. Each day of noncompliance constitutes a separate offense.

Subd. 5. **Appeal.** A party subject to an order issued under subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located. In case of appeal, the same proceedings must be conducted as are now provided by law for an appeal from orders of the commissioner. Orders of the commissioner must be enforced by the attorney general.

History: *1980 c 460 s 8; 1985 c 265 art 4 s 1; 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: *1980 c 460 s 9; 1985 c 265 art 4 s 1; 1986 c 444; 1989 c 299 s 4*

219.073 COMMISSIONER'S RULES ON GRADE CROSSINGS.

In accordance with chapter 14, the commissioner of transportation shall adopt rules that contain standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings. In adopting standards, the commissioner shall consider that the number of grade crossings in this state should be reduced and that public safety will be enhanced by reducing the number of grade crossings.

History: *1990 c 468 s 4; 2023 c 25 s 106*

219.074 GRADE CROSSING CHANGE, VACATION.

Subdivision 1. **Agreement; hearing.** Public officials having the necessary authority and a railway company operating the railroad may agree to the vacation, relocation, consolidation, or separation of grades at grade crossings. If agreement cannot be reached concerning the location, manner of construction, or a reasonable division of expense, either party may file a petition with the commissioner, setting forth the facts and submitting the matter to it for determination. The commissioner shall then conduct a hearing under chapter 14 and shall apply the rules developed under section 219.073 in coming to a determination. The commissioner may also bring matters concerning vacation, relocation, consolidation, or separation of grades at public grade crossings to the commissioner for determination. If the commissioner determines that the vacation, relocation, consolidation, or separation is consistent with the standards adopted under section 219.073, the commissioner may order the crossing vacated, relocated, consolidated, or separated.

Subd. 2. **Crossing vacation program.** As necessary, the commissioner shall develop a list of grade crossings proposed to be vacated. The list must be developed by applying the standards set forth in the rules adopted under section 219.073. Grade crossings that are part of an abandonment, closing, or removal may not be included in the list. The commissioner shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed vacations. Either affected party may request a hearing. If requested, the commissioner shall hold a contested case hearing applying in the commissioner's determination the rules developed under section 219.073. If after the hearing the commissioner determines that the vacation is consistent with the standards adopted under section 219.073, the commissioner may order the crossing vacated. If a request for a hearing on a particular crossing is not received within 30 days of the publication in the State Register, the commissioner shall order the crossing vacated.

Subd. 3. **Crossing inventory.** The commissioner shall complete an inventory of all public and private grade crossings in the state and shall annually revise the inventory to reflect grade crossing changes made under this section.

History: *1986 c 444; 1990 c 468 s 5; 1991 c 298 art 2 s 5; 1998 c 403 s 29; 1999 c 86 art 1 s 47; 2001 c 213 s 25; 2022 c 55 art 1 s 111,112*

219.08 CROSSINGS; CHANGING GRADE OF APPROACHES.

When a railroad company changes or raises the grade of its tracks at a crossing, it shall also grade the approaches on each side so as to make the approach and crossing of the tracks safe for vehicles.

History: *(4735) 1911 c 329 s 1; 1980 c 460 s 10; 1985 c 265 art 4 s 1*

219.09 MULTIPLE TRACKS ACROSS ROAD; RAILROAD DUTY.

When a railroad company has more than one track crossing a highway, it is unlawful to raise or maintain one track at a higher grade than the other tracks; and the company shall raise or lower such tracks to about the same level so as not to endanger the safe passage of teams and other vehicles over the tracks at those crossings.

History: *(4736) 1911 c 329 s 2; 1985 c 265 art 4 s 1*

219.10 PENALTY FOR VIOLATION.

Subdivision 1. **Noncompliance, penalty.** A railroad company who refuses or neglects to comply with sections 219.08 and 219.09 within 30 days after being notified in writing to comply by a road authority is guilty of a violation of sections 219.08 and 219.09 and subject to a fine of $50 for each day that the crossing is left unsafe. Each day of violation constitutes a separate offense.

Subd. 2. **Duty of county attorney.** A county attorney may institute court proceedings to collect fines, costs and disbursements on the part of the road authority making the complaint, and $100 attorney's fees for each prosecution.

History: *(4737) 1911 c 329 s 3; 1980 c 460 s 11; 1985 c 265 art 4 s 1*

219.11 MS 1978 [Repealed, 1980 c 460 s 32]

219.12 MS 1978 [Repealed, 1980 c 460 s 32]

219.13 FARM CROSSING.

A railroad company constructing a railroad so as to leave parts of a farm on different sides of the road shall construct a proper farm crossing at some place convenient for that farm.

History: *(4740) RL s 1996; 1985 c 265 art 4 s 1*

219.14 RAILROAD CROSSING PROTECTED.

Subdivision 1. **Investigation.** The commissioner of transportation on the commissioner's own motion may investigate and determine whether a railroad crossing over a street or public highway, that is or will be opened to public travel, is or will be dangerous to life or property. The commissioner may order the crossing protected in any manner the commissioner finds reasonable and proper, including requiring the company to separate the grades.

Subd. 2. **Hearing.** The commissioner shall give the interested railroad company and road authority notice of the investigation as the commissioner deems reasonable, and an opportunity to be heard before an order is made.

History: *(4741, 4742) 1919 c 434 s 1,2; 1921 c 500 s 1; 1971 c 25 s 67; 1976 c 166 s 22; 1980 c 460 s 12; 1980 c 534 s 28; 1985 c 265 art 4 s 1; 1986 c 444; 1998 c 403 s 29*

219.15 [Renumbered 219.14 subd 2]

219.16 GRADE CROSSING DEFINED.

The term "grade crossing" as used in this chapter means the intersection of a public highway and the tracks of a railroad, however operated, on the same plane or level, except street railways within city limits.

History: *(4743-1) 1925 c 336 s 1; 1973 c 123 art 5 s 7; 1985 c 265 art 4 s 1*

219.165 SAFETY RULES FOR PRIVATE RAILROAD GRADE CROSSING.

The commissioner shall adopt rules establishing minimum safety standards at all private railroad grade crossings in the state.

History: *1991 c 298 art 2 s 6; 2023 c 25 s 107*

219.1651 GRADE CROSSING SAFETY ACCOUNT.

A Minnesota grade crossing safety account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account is appropriated to the commissioner of transportation for rail-highway grade crossing safety projects on public streets and highways, including engineering costs and other costs associated with administration and delivery of grade crossing safety projects. At the discretion of the commissioner of transportation, money in the account at the end of each biennium may cancel to the trunk highway fund.

History: *1Sp2005 c 6 art 3 s 85; 2013 c 117 art 3 s 23; 2023 c 68 art 4 s 74*

QUIET ZONES

219.166 ESTABLISHMENT OF QUIET ZONES.

A county, statutory or home rule charter city, or town may apply to the Federal Railroad Administration for the establishment of a "quiet zone" in which the sounding of horns, whistles, or other audible warnings by locomotives is regulated or prohibited. All quiet zones, regulations, and ordinances adopted under this section must conform to federal law and the regulations of the Federal Railroad Administration under United States Code, title 49, section 20153.

History: *1Sp2001 c 8 art 2 s 59; 1Sp2005 c 6 art 3 s 86*

SAFETY

219.17 UNIFORM WARNING SIGNS.

The commissioner by rule shall require that uniform warning signs be placed at grade crossings. There are four distinct types of uniform warning signs: a crossbuck sign, for use in the immediate vicinity of the crossing; an advance warning sign, to indicate the approach to a grade crossing; a yield sign with the word

"yield" plainly appearing on it; and, when deemed necessary and instead of a yield sign, a stop sign with the word "stop" plainly appearing on it, to indicate that persons on the highway approaching the crossing, whether in vehicles or otherwise, must come to a stop before proceeding over the grade crossing.

History: *(4743-2) 1925 c 336 s 2; 1971 c 25 s 67; 1976 c 166 s 23; 1980 c 460 s 13; 1985 c 265 art 4 s 1; 2013 c 127 s 53*

219.18 RAILROAD TO ERECT SIGN.

A railway company operating the railroad at each grade crossing shall erect and maintain one or more uniform crossbuck signs. The signs must be on each side of the railroad tracks and within 50 feet from the nearest rail, or at a distance greater than 50 feet as determined by the commissioner.

History: *(4743-3) 1925 c 336 s 3; 1985 c 265 art 4 s 1; 2013 c 127 s 54; 2023 c 25 s 108*

219.19 ADDITIONAL WARNING SIGN.

At each grade crossing where, because of the conditions surrounding it, the reasonable protection to life and property necessitates placing additional warning signs on the highway farther from the crossing than the home crossing signs, approach warning signs must be installed. The commissioner may designate grade crossings requiring additional signs on either or both sides of the crossing. Upon designating a crossing as requiring additional protection, the commissioner shall notify the road authority having the care of the highway. The road authority, within 30 days after notification, shall furnish and maintain uniform signs in the appropriate places on the highway on either or both sides of the grade crossings.

History: *(4743-4) 1925 c 336 s 4; 1971 c 25 s 67; 1976 c 166 s 24; 1980 c 460 s 14; 1985 c 265 art 4 s 1; 1986 c 444*

219.20 STOP SIGN; YIELD SIGN.

Subdivision 1. **When installation required; procedure.** At each grade crossing not equipped with flashing lights or flashing lights and gates where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for persons approaching the crossing to stop or yield before crossing the railroad tracks, stop signs or yield signs must be installed. When the government entity responsible for a road that crosses a railroad track deems it necessary to install stop signs or yield signs at that crossing, it shall petition the commissioner to order the installation of the stop signs or yield signs. The commissioner shall respond to the petition by investigating the conditions at the crossing to determine whether stop signs or yield signs should be installed at the crossing. On determining, after an investigation following a petition from a governmental agency or subdivision or on the commissioner's own motion, that stop signs or yield signs should be installed at a crossing, the commissioner shall designate the crossing as a stop crossing or yield crossing and shall notify the railway company operating the railroad at the crossing of this designation. Within 30 days after notification, the railway company shall erect the uniform stop crossing signs or yield crossing signs in accordance with the commissioner's order.

Subd. 2. **Stopping distances.** When a stop sign or a yield sign has been erected at a railroad crossing, the driver of a vehicle approaching a railroad crossing shall stop or yield within 50 feet, but not less than ten feet, from the nearest track of the crossing and shall proceed only upon exercising due care.

History: *(4743-5) 1925 c 336 s 5; 1971 c 25 s 67; 1976 c 166 s 25; 1985 c 265 art 4 s 1; 1987 c 397 s 2; 2013 c 127 s 55*

219.21 MS 1980 [Repealed, 1982 c 444 s 7]

219.22 STOP, LOOK, AND LISTEN.

Before proceeding across the railroad track at a crossing marked with a stop sign, drivers shall bring their vehicles to a full stop and ascertain whether or not trains are approaching the crossing.

History: *(4743-7) 1925 c 336 s 7; 1985 c 265 art 4 s 1*

219.23 CROSSING GUARD.

If the commissioner of transportation finds in an investigation instituted by the commissioner or upon complaint and after opportunity for hearing, that a crossing guard is necessary to protect life and property at a grade crossing, it shall order the railway company operating the railroad at the crossing to provide a crossing guard and shall specify in the order the hours when the presence of the guard is required. The railway company shall then provide a crossing guard during that time. The crossing guard shall have full control over the traffic at this crossing.

History: *(4743-9) 1925 c 336 s 9; 1971 c 25 s 67; 1976 c 166 s 26; 1980 c 460 s 15; 1980 c 534 s 29; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.24 ADDITIONAL SAFEGUARD.

If the commissioner of transportation finds in an investigation instituted upon the commissioner's own motion or upon complaint and after notice and hearing, that conditions at a grade crossing require additional safeguards to protect life and property, such as crossing gates or other suitable devices, the commissioner shall specify the nature of the devices required and may order the railway company operating the railroad at the crossing to install them.

History: *(4743-10) 1925 c 336 s 10; 1971 c 25 s 67; 1976 c 166 s 27; 1980 c 534 s 30; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.25 MS 1978 [Repealed, 1980 c 460 s 32]

219.26 PROTECTIVE CROSSING DEVICE; UNIFORMITY.

The commissioner, so far as practicable, shall secure uniformity in the devices used to protect grade crossings. No devices may be installed until they have been approved by the commissioner. All devices which, in the opinion of the commissioner, conflict with devices approved by the commissioner, either in design or method of operation, so as to create a hazard to travel at the crossing, must be immediately modified by the railroad company controlling the crossing to conform to those devices approved by the commissioner.

History: *(4743-12) 1925 c 336 s 12; 1971 c 25 s 67; 1976 c 166 s 29; 1985 c 265 art 4 s 1*

219.27 MS 1990 [Repealed, 1990 c 468 s 6]

219.28 MS 1990 [Repealed, 1990 c 468 s 6]

219.29 PROHIBITED SIGN.

Subdivision 1. **Obstructing sign.** No person, firm, or corporation shall place or maintain any advertising sign or other similar obstruction upon, over, or adjacent to a highway between an approach sign and the grade crossing which it marks.

Subd. 2. **Resembling sign.** No person, firm, or corporation shall place or maintain upon, over, or adjacent to a public highway any sign or symbol resembling the signs provided for in sections 219.16 to 219.30.

History: *(4743-15) 1925 c 336 s 15; 1985 c 265 art 4 s 1*

219.30 INJURING, DESTROYING SIGN.

It is unlawful for a person to maliciously injure, remove, displace, deface, or destroy the signs or signals provided for in sections 219.16 to 219.30.

History: *(4743-16) 1925 c 336 s 16; 1985 c 265 art 4 s 1*

219.31 BUILDING FENCE AND CATTLE GUARD.

Subdivision 1. **Duty.** Every railroad company shall build and maintain good and substantial fences on each side of all lines of its railroad, and good and sufficient cattle guards at all road and street crossings and other openings, except at station and depot grounds, and other places which the necessary business of the road or public convenience requires to be open.

When a person's land lying along a railroad right-of-way is enclosed on three sides by a woven wire fence, the railroad company shall erect and maintain a woven wire fence of like character and quality along the right-of-way enclosing the remaining side of the land.

Subd. 2. **Standard of care.** The railroad company is held to the exercise of ordinary diligence and care in building and maintaining fences and cattle guards and in keeping cattle guards free from ice and snow.

History: *(4744) RL s 1997; 1907 c 333; 1911 c 309 s 1; 1985 c 265 art 4 s 1*

219.32 FAILURE TO FENCE; LIABILITY AND DAMAGES.

A railroad company failing to comply with section 219.31 is liable for all resulting damages, including domestic animals killed or injured by its negligence. If it fails to pay the actual damages caused by the killing or injury within 30 days after the damage occurs, the plaintiff shall recover double costs. The company, before the commencement of an action, may make tender for the injury. If the amount recovered, exclusive of interest, does not exceed the tender, the plaintiff shall not recover costs or disbursements.

History: *(4745) RL s 1998; 1983 c 359 s 21; 1985 c 265 art 4 s 1*

219.33 FENCE, CROSSING, CATTLE GUARD; LANDOWNER RECOURSE.

Subdivision 1. **Liability.** A railroad company operating a line of railroad in this state, which has failed or neglected to fence the road and to erect crossings and cattle guards, is liable for all damages sustained by a person as a consequence of that failure or neglect.

Subd. 2. **Measure of damages.** The measure of damages for failure to construct or maintain a fence is as follows: the owner of land abutting on the line of railway of the railroad company may serve notice on any of its station agents between April 1 and October 1 of any year, requiring the construction of a fence on the line between the person's land and the company's right-of-way. If the company does not construct the fence within 40 days after service of the notice, the landowner may recover from the company an amount not exceeding twice the cost of construction, with costs and reasonable attorney's fee, to be allowed by the court, or the landowner may construct the fence after the expiration of that time and receive from the company double the cost of construction, with like costs and attorney's fee.

Subd. 3. **Duty to maintain.** The fence must be kept in repair by the railroad company in like manner and under like penalties as if built by the company.

Subd. 4. **Failure to serve notice.** Failure to serve notice does not relieve the railroad company from liability for damages for injuries to persons or domestic animals or other property, resulting from failure to fence its road.

History: *(4746) RL s 1999; 1985 c 265 art 4 s 1*

219.34 FENCE BETWEEN RAILROAD AND PUBLIC ROAD.

If a railroad company fails to fence its line where it adjoins a public road or street, or lies so near as to render travel on it dangerous, the governing body of the town or municipality having charge of the road or street, by notice as in the case of an abutting landowner, may require the fence to be built. In case of failure to build the fence within the time provided in section 219.33, the town or municipality has the rights and remedies given by section 219.33 to an abutting owner.

History: *(4747) RL s 2000; 1985 c 265 art 4 s 1*

219.35 CROSSING AND DRAIN.

Persons owning lands abutting upon a railroad may construct, at their own expense, crossings under, over, or across the railroad and drains under and across the railroad at places and in ways that do not obstruct or impair the use of the railroad. Before constructing them, the owner of the land shall serve on the nearest station agent of the company a notice, stating in detail the work which the landowner desires to perform, and the company may construct that work; but the crossings and drains may not be opened for the use of the landowner until the landowner pays the reasonable cost of construction. These crossings and drains must be maintained and kept in repair by the railroad company; however, the railroad may require reimbursement from the abutting landowners of its reasonable and accountable maintenance and repair costs when maintenance and repair are initiated by the landowner and agreed to in advance by the railroad company. The railroad company shall ensure, allow, and not prohibit reasonable egress and ingress under, over, and across a crossing except as may be required for maintenance of the crossing or for normal operation of the railroad.

History: *(4748) RL s 2001; 1985 c 265 art 4 s 1; 1986 c 444; 1991 c 83 s 1*

219.36 GATE AT FARM CROSSING.

A railroad company, which erects at a farm crossing a gate for the exclusive use of the owner and occupants of that farm, provides a lock for the gate, and delivers the key for the lock to the owner or occupant, is not liable to the owner or occupant for an animal killed or injured because the gate was left open without fault of the company, unless the killing or injury resulted from the wanton or malicious act of the company or its employees.

History: *(4749) RL s 2002; 1985 c 265 art 4 s 1*

219.37 DITCH AND CULVERT.

A railroad company or receiver or lessee of a railroad company, operating a line of railroad in the state, shall keep clean at all times between the first day of April and the first day of November of each year all

ditches and culverts constructed by them for the drainage of their roadbed or right-of-way. This section does not apply to ditches and culverts not located upon the right-of-way of a railroad.

History: *(4750) 1909 c 377 s 1; 1985 c 265 art 4 s 1*

219.375 RAILROAD YARD LIGHTING.

Subdivision 1. **Lighting status reports submitted by railroad common carriers.** By January 15 of each year, each Class I and Class II railroad common carrier that operates one or more railroad yards in this state where, between sunset and sunrise, cars or locomotives are frequently switched, repaired, or inspected, or where trains are assembled and disassembled, shall submit to the commissioner of transportation a plan that:

(1) identifies all railroad yards operated by the railroad where the described work is frequently accomplished between sunset and sunrise;

(2) describes the nature and placement of lighting equipment currently in use in the yard and the maintenance status and practices regarding this equipment;

(3) states whether the lighting meets or exceeds guidelines for illumination established by the American Railway Engineering and Maintenance-of-Way Association;

(4) describes whether existing lighting is installed and operated in a manner consistent with energy conservation, glare reduction, minimization of light pollution, and preservation of the natural night environment; and

(5) identifies plans and timelines to bring into compliance railroad yards that do not utilize and maintain lighting equipment that meets or exceeds the standards and guidelines under clauses (3) and (4), or states any reason why the standards and guidelines should not apply.

Subd. 2. **Maintenance of lighting equipment.** A railroad common carrier that is required to file a report under subdivision 1 shall maintain all railroad yard lighting equipment in good working order and shall repair or replace any malfunctioning equipment within 48 hours after the malfunction has been reported to the carrier. Repairs must be made in compliance with, or to exceed the standards in, the Minnesota Electrical Code and chapter 326B.

Subd. 3. **Lighting status reports submitted by worker representative.** By January 15 of each year, the union representative of the workers at each railroad yard required to submit a report under subdivision 1 shall submit to the commissioner of transportation a report that:

(1) describes the nature and placement of lighting equipment currently in use in the yard and maintenance status and practices regarding the equipment;

(2) describes the level of maintenance of lighting equipment and the carrier's promptness in responding to reports of lighting malfunction;

(3) states whether the available lighting is adequate to provide safe working conditions for crews working at night; and

(4) describes changes in the lighting equipment and its adequacy that have occurred since the last previous worker representative report.

Subd. 4. MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

Subd. 5. **Required lighting.** By December 31, 2015, a railroad common carrier shall establish lighting that meets the standards and guidelines under subdivision 1, clauses (3) and (4), at each railroad yard where:

(1) between sunset and sunrise:

(i) locomotives, or railcars carrying placarded hazardous materials, are frequently switched, repaired, or inspected; or

(ii) trains with more than 25 tanker railcars carrying placarded hazardous materials are assembled and disassembled; and

(2) the yard is located within two miles of a petroleum refinery having a crude oil production capacity of 150,000 or more barrels per day.

History: *2014 c 312 art 11 s 27*

219.38 MS 1953 [Repealed, 1957 c 724 s 21]

COMPLAINTS BY CITIES

219.383 SAFE OPERATION OF TRAIN OVER ROAD; PENALTY.

Subdivision 1. **Speed fixed.** The commissioner of transportation, on petition of a city council or a railway corporation, may fix and determine after a hearing a reasonable speed for the operation of an engine or train on and over a railroad crossing of a public highway or street in that city.

Subd. 2. **Maximum speed.** Where the commissioner has fixed the speed of an engine or train over a public highway or street crossing in a city as provided in this section, the fixed speed is the lawful maximum speed at which an engine or train may be operated on and over that public highway or street crossing, until changed by subsequent order of the commissioner.

Subd. 3. **Not to block public road or street.** No railway corporation shall permit a public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or by a switching movement which continuously blocks a crossing for longer than ten minutes. This subdivision does not apply to cities of the first class which regulate obstruction of streets by ordinance.

Subd. 4. **Penalty.** A railway corporation violating this section is guilty of a petty misdemeanor. A corporation that commits a second or subsequent violation of this section is guilty of a misdemeanor.

History: *1945 c 220 s 1-5; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 32; 1980 c 460 s 17; 1980 c 534 s 34; 1985 c 265 art 4 s 1; 1987 c 329 s 21; 1994 c 636 art 2 s 7; 1998 c 403 s 29*

219.384 REMOVAL OF DANGEROUS OBSTRUCTION.

Subdivision 1. **Removal ordered.** If a railroad company, road authority, or abutting property owner fails to control the growth of trees or vegetation or the placement of structures or other obstructions on its right-of-way or property so as to interfere with the safety of the public traveling on a public or private grade crossing, the local governing body of the town or municipality where the grade crossing is located may, by notice, require the obstruction to be removed as necessary to provide an adequate view of oncoming trains at the crossings. The commissioner shall adopt rules establishing minimum standards for visibility at public and private grade crossings.

Subd. 2. **Penalty.** A railroad company, road authority, or property owner that fails to comply with this section within 30 days after being notified in writing is subject to a fine of $50 for each day that the condition is uncorrected. This penalty may be recovered in the manner provided in section 219.97, subdivision 5.

History: *1991 c 298 art 2 s 7*

219.39 DANGEROUS CROSSING; COMPLAINT, HEARING.

Upon written complaint authorized by the governing body of a city or county, by the board of supervisors of a town, or by authorized officers of a subject railroad, alleging that a railroad crossing a street, road, or highway in the city, town, or county is dangerous to life and property, and giving the reasons for the allegations, the commissioner shall investigate the matters contained in the complaint and, when necessary, initiate a hearing.

History: *(4662) 1911 c 243 s 1; 1923 c 134 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 2; 1976 c 166 s 33; 1980 c 534 s 35; 1Sp1981 c 4 art 2 s 21; 1985 c 265 art 4 s 1; 1999 c 86 art 1 s 48*

219.40 DANGEROUS CROSSING DETERMINATION PROCEDURES AND REMEDIES.

Subdivision 1. **Commissioner determination.** (a) If a complaint is made under section 219.39, the commissioner of transportation shall determine, after investigation by the commissioner or after hearing, whether the crossing is hazardous and may require the railroad company to (1) provide flaggers at the crossing, (2) adopt safety devices as the commissioner deems necessary to protect the crossing properly, (3) remove any structure, embankment, or other obstruction to the view, (4) close the crossing complained of or other crossing in the vicinity, or (5) construct an overhead or maintain an underground crossing and divide the cost between the railroad company, the town, county, municipal corporation, or state Transportation Department interested, on terms and conditions as may seem just and equitable.

(b) The commissioner may require the complaining city, town, or county to remove an embankment, structure, or other obstruction to the view as may be reasonable and necessary to properly protect the crossing.

Subd. 2. **Hearing.** If the complainant road authority 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.

Subd. 3. **Order; costs allocated.** If the commissioner or its designee after notice and hearing orders (1) the installation of a safety device, (2) the construction, reconstruction, modernization, or replacement of major parts, as defined by rule of the commissioner, of the safety devices, gates, or other types of special protection, (3) the removal of a structure, embankment, or other obstruction to the view, or (4) the construction, reconstruction, or maintenance of an underground or overhead crossing on a public road, street, or highway, it may in the same order direct that the costs 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.

Subd. 4. **Funds to pay costs.** (a) If a state trunk highway is involved, the state's share of the costs must be paid from funds available to the Department of Transportation.

(b) In all other cases the public's share of the costs must be paid from available funds or from the trunk highway fund, if ordered by the commissioner, or from any combination of these funds or other available funds; provided that a highway, street, or road fund must only be expended for the costs on a highway, street,

or road within the political subdivision charged with its maintenance and care and only upon the highways, streets, or roads for which the fund was allocated or created.

History: *(4663) 1911 c 243 s 2; 1913 c 294 s 1; 1923 c 134 s 2; 1951 c 179 s 2; 1959 c 528 s 1; 1963 c 458 s 2; 1965 c 245 s 1; 1967 c 86 s 2; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1975 c 313 s 3; 1976 c 166 s 7,34; 1977 c 454 s 27; 1980 c 534 s 36; 1Sp1981 c 4 art 2 s 22; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.401 MS 1976 [Repealed, 1977 c 454 s 49]

219.402 ADEQUATE CROSSING PROTECTION.

Crossing warning devices or improvements installed or maintained under this chapter as approved by the commissioner or any predecessor, whether by order or otherwise, are adequate and appropriate warning for the crossing.

History: *1985 c 265 art 4 s 1; 1991 c 298 art 2 s 8; 1998 c 403 s 29; 2001 c 213 s 26*

219.403 APPLICABILITY TO LOCAL LAWS.

Nothing in this section or section 161.20, 219.40, or 219.071 changes existing law relating to the rights and liabilities of a city, town, or county in connection with the construction or maintenance of a railroad crossing, grade separation, or signal system, or impairs the terms or conditions of an existing arrangement or agreement, or renewals of it, between a railroad company and a municipality for the maintenance of a railroad crossing, grade separation, or signal system.

History: *1951 c 179 s 3; 1965 c 51 s 39; 1973 c 123 art 5 s 7; 1980 c 460 s 20; 1985 c 265 art 4 s 1*

219.41 APPEAL; ORDER ENFORCEMENT.

A railroad company or the city, town, or county making the complaint may appeal from an order of the commissioner of transportation to the district court of the county in which the crossing is located. The same appeal proceedings must be held as now provided by law for an appeal from orders of the commissioner. Orders of the commissioner must be enforced by the attorney general.

History: *(4664) 1911 c 243 s 3; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 36; 1980 c 534 s 37; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.42 FAILURE TO COMPLY; PENALTY.

A railroad company or city, town, or county failing to comply with an order of the commissioner of transportation that is not appealed from or, if appealed from, affirmed in whole or in part, is liable to a penalty of $50 for every day of noncompliance, to be collected in civil action brought by the attorney general.

History: *(4665) 1911 c 243 s 4; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 37; 1980 c 534 s 38; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.43 MS 1978 [Repealed, 1980 c 460 s 32]

219.44 CHARTER POWERS NOT ABRIDGED.

Nothing in sections 219.39 to 219.44 repeals, abridges, modifies, or affects the power contained in the charter of a city to require railroads to maintain gates, flaggers, or safety devices at public highway crossings in that city, or any ordinance enacted pursuant to that power.

History: *(4667) 1911 c 243 s 6; 1973 c 123 art 5 s 7; 1985 c 265 art 4 s 1*

SOUTHERN RAIL CORRIDOR IMPROVEMENT

219.445 SOUTHERN RAIL CORRIDOR IMPROVEMENT PLAN.

Subdivision 1. **Corridor development.** The commissioner of transportation shall develop a corridor improvement plan for grade crossings intersecting or crossing the railway right-of-way in the railway corridor that runs east to west across southern Minnesota within all of the counties of Winona, Olmsted, Dodge, Steele, Waseca, Blue Earth, Brown, Redwood, Lyon, and Lincoln.

Subd. 2. **Grade crossing recommendations.** (a) The corridor improvement plan must include crossing-by-crossing assessments based on ten-year and 20-year projections of train and vehicle volumes that will identify minimum improvements necessary at crossings with moderate levels of exposure, consistent with rules adopted by the commissioner. The plan must include identification of all crossings that are candidates for grade separations where levels of exposure exceed 300,000, or crossings that meet the criteria identified in the rules adopted by the commissioner. For purposes of this section, "levels of exposure" means average daily vehicle traffic multiplied by the number of trains per day at a crossing.

(b) In cities where the department has identified multiple grade separation candidates, the plan must include a strategy that identifies the appropriate mix of safety improvements at all crossings in the city and that considers optimal locations for grade separations, crossing consolidations, and other grade crossing safety improvements and traffic routing options.

(c) The department shall consider crossings that are candidates for closure, consistent with rules adopted by the commissioner governing the vacating of a grade crossing.

(d) When community plans have been developed by the affected railroad company and local governing bodies, the department shall review the community plans for compliance with the department's minimum criteria for necessary crossing improvements at all public crossings as identified in the commissioner's rules. The agreed-to community plans take precedence over the elements of the corridor improvement plan.

Subd. 3. **Local government and railroad participation; federal review.** (a) The commissioner shall provide an opportunity for an affected railroad company or local governing body to participate in developing the corridor improvement plan. The commissioner shall allow an affected local governing body the opportunity to review the corridor improvement plan before executing an agreement for grade crossing improvements in the corridor improvement plan between the department and the railroad company and before forwarding the plan to the federal Surface Transportation Board (STB).

(b) Paragraph (a) does not preclude the department from providing comments or information related to the railway corridor improvement project to the STB or any other governing body related to construction activities or environmental impact statement preparation.

Subd. 4. **Final plan; hold harmless.** (a) The final plan must be submitted to any affected area transportation partnership, local unit of government, and railroad company within the corridor area in order to provide future grade crossing safety improvement planning guidance.

(b) Unless otherwise specifically agreed to as part of the plan, the development of a corridor improvement plan does not bind the state or any local government unit to a specific implementation timetable or to funding the cost of proposed recommended safety upgrades.

History: *1999 c 238 art 2 s 34*

CLEARANCES

219.45 APPLICABILITY.

Sections 219.45 to 219.53 apply to a person, corporation, or anyone owning, operating, or maintaining a structure or obstruction adjacent to railway tracks and to a corporation, receiver of the corporation, or any person while engaged as a common carrier in the transportation by railroad of passengers or property to which the regulative powers of this state extend, except a railway operated by the electric trolley system.

History: *(4753) 1913 c 307 s 1; 1937 c 238 s 1; 1985 c 265 art 4 s 1*

219.455 DEFINITIONS.

(a) For purposes of sections 219.45 to 219.53, the following terms have the meanings given.

(b) "Depot company" means a company formed to construct and operate a passenger station on behalf of a railroad or rail carrier.

(c) "Passenger service" means both intercity rail passenger service and commuter rail passenger service.

(d) "Railway company" means a company incorporated or licensed to operate a railroad track or train, and includes a company that loads, unloads, or transloads products.

(e) "Terminal" means a facility or station where:

(1) trains stop to load, unload, or transfer passengers, freight, or both;

(2) formation, dispatch, reception and temporary stabling, and marshalling of rolling stock occurs; or

(3) trains are serviced, maintained, or repaired.

(f) "Yard" means a system of tracks within defined limits provided for making up trains, storing cars, and other purposes.

(g) "Yard track" means a system of tracks within defined limits used for:

(1) the making up or breaking up of trains;

(2) the storing of cars; and

(3) other related purposes over which movements not authorized by timetable or by train order may be made subject to prescribed signals, rules, or other special instructions.

Sidings used exclusively as passing track and main line track within yard limits do not constitute yard track.

History: *2024 c 104 art 1 s 92*

219.46 UNLAWFUL STRUCTURE; CLEARANCE.

Subdivision 1. **Structure.** (a) On and after April 16, 1913, it is unlawful for a common carrier or any other person, on a standard gauge road on its line or a standard gauge sidetrack, for use in any traffic mentioned in section 219.45:

(1) to erect or reconstruct and maintain an adjoining warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction within eight feet of the centerline of the track or sidetrack;

(2) in excavating, to allow an adjoining embankment of earth or natural rock to remain within eight feet of the centerline of the track or sidetrack; or

(3) to erect or reconstruct overhead wires, bridges, viaducts or other obstructions passing over or above its tracks at a height less than 21 feet, measured from the top of the track rail.

(b) If after May 1, 1943, overhead structures or platforms or structures designed only to be used in the loading or unloading of cars are rebuilt or remodeled, then these overhead structures must be built with an overhead clearance of not less than 22 feet from the top of the rail. These structures or platforms must be built with a side clearance of not less than 8-1/2 feet from the centerline of the track unless by order the commissioner may provide otherwise.

(c) Sections 219.45 to 219.53 do not apply to yards and terminals of: (1) depot companies, or (2) railway companies used only for passenger service. If personal injury is sustained by an employee of a depot company or railway company used only for passenger service, by reason of noncompliance with sections 219.45 to 219.53, that employee, or in case of the employee's death, the personal representative, has the rights, privileges, and immunities enumerated in section 219.53.

(d) On and after May 1, 1943, it is unlawful for a common carrier or any other person, on a standard gauge road on its line or a standard gauge sidetrack or spur, for use in any traffic mentioned in section 219.45:

(1) to erect or construct and maintain an adjoining warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction within 8-1/2 feet of the centerline of the track;

(2) in excavating, to allow an adjoining embankment of earth or natural rock to remain within 8-1/2 feet of the centerline of the track or sidetrack; or

(3) to erect or construct overhead wires, bridges, viaducts, or other obstructions passing over or above its tracks at a height less than 22 feet, measured from the top of the track rail.

Subd. 2. **Clearance on parallel tracks.** (a) On and after May 1, 1943, it is unlawful for a common carrier to construct track used for moving cars engaged in the movement of traffic if the centerline of the track is within 14 feet from the centerline of any other parallel track which it adjoins.

(b) In addition, no ladder tracks may be closer to an adjacent ladder track than 19 feet measured from the centerline of each track, nor closer to any other parallel track than 17 feet measured from the centerline of each track.

(c) The distance between tracks may be diminished or closed up a necessary distance for track intersections, gauntlet tracks, turnouts, or switch points.

Subd. 3. **May maintain existing structure.** A common carrier or any other person may maintain an overhead structure or structure alongside of a track referred to in this section and section 219.45 if the structure was not erected in violation of law.

Subd. 4. **May maintain existing tracks.** (a) A common carrier or any other person may:

(1) maintain or reconstruct presently existing tracks constructed after April 16, 1913, in accordance with the then-existing clearance law;

(2) maintain or reconstruct tracks which, if constructed before April 16, 1913, were constructed with clearances as provided in Laws 1913, chapter 307; or

(3) maintain or reconstruct tracks built in accordance with Laws 1913, chapter 448.

(b) As to tracks that were constructed with a clearance less than 13 feet between centerlines before April 16, 1913, the maintenance of a clearance of less than 13 feet between centerlines in railroad switching yards may create a hazard. The commissioner may require adequate and safe clearances as rapidly as possible in the yards on petition by an affected party, after hearing, and where a greater clearance can be reasonably provided.

Subd. 5. **May extend existing yard tracks.** It is not unlawful to extend existing yard tracks or other tracks at the clearance which now exists between them if the tracks were constructed either before or after April 16, 1913, with clearances as provided in Laws 1913, chapter 307.

Subd. 6. **May maintain additional tracks.** It is not unlawful to construct or maintain additional tracks at less than the required clearance on or under existing bridges which were constructed after April 16, 1913, with clearances as provided in Laws 1913, chapter 307.

Subd. 7. **Order for less clearance.** The commissioner of transportation after a hearing may authorize, in the construction and reconstruction of bridges and tunnels, by general order (1) a clearance less than 8-1/2 feet from the centerline of the track at a height not to exceed six feet above the top of the rail, and (2) a clearance less than 8-1/2 feet from the centerline of the track at a point not less than 14-1/2 feet above the top of the rail.

History: *(4754) 1913 c 307 s 2; 1915 c 171 s 1; 1937 c 238 s 2; 1943 c 390 s 1-7; 1971 c 25 s 67; 1976 c 166 s 39-41; 1980 c 534 s 40; 1985 c 265 art 4 s 1; 1986 c 444; 1998 c 403 s 29; 2024 c 104 art 1 s 93*

219.47 CLEARANCE EXCEPTIONS.

Subdivision 1. **Permanent.** The commissioner of transportation, upon application made, after a thorough investigation, may permit a common carrier, person, or corporation to which sections 219.45 to 219.53 apply, to erect an overhead or side obstruction closer to the track than provided for in section 219.46, to construct track at less clearance than provided for in section 219.46, and to reconstruct and maintain them when in the judgment of the commissioner compliance with the clearance prescribed in section 219.46 is unreasonable or unnecessary or the erection or construction of the overhead or side obstruction or tracks or the reconstruction and maintenance of them at less clearance than provided in section 219.46 will not create a condition unduly hazardous to the employees of that common carrier, person, or corporation. Before taking final action on the application, the commissioner need conduct only those hearings or other proceedings as it finds necessary for the resolution of the material issues raised by the application.

Subd. 2. **Temporary.** The commissioner, upon application made, may grant temporary clearance variances, with appropriate safeguards and without hearing, for statutory encroachments resulting from emergency or temporary construction situations.

History: *(4755) 1913 c 307 s 3; 1915 c 171 s 2; 1937 c 238 s 3; 1943 c 390 s 8; 1971 c 25 s 67; 1976 c 166 s 42; 1980 c 460 s 21; 1980 c 534 s 41; 1985 c 265 art 4 s 1; 1986 c 468 s 3; 1998 c 403 s 29*

219.50 OBSTRUCTING SPACE BETWEEN TRACKS.

It is unlawful for a common carrier, person, or corporation subject to sections 219.45 to 219.53 to permit the space between or beside tracks that is ordinarily used by employees in the discharge of their duties and

is within 8-1/2 feet of the centerline of the track, to become or remain obstructed by a foreign obstacle that will interfere with the work of the employees or subject the employees to unnecessary hazard. This space between or beside the tracks and between the rails of the tracks must be kept in a condition as to permit the employees to pass over or between the tracks or to use the space day or night and under all weather conditions without unnecessary hazard.

History: *(4758) 1913 c 307 s 6; 1913 c 448 s 1; 1980 c 460 s 22; 1985 c 265 art 4 s 1; 2022 c 55 art 1 s 113*

219.501 RAIL CARRIER WALKWAYS.

Subdivision 1. **Duty to provide walkways.** (a) Rail carriers must provide walkways adjacent to those portions of yard tracks where rail carrier employees frequently work on the ground performing switching activities. For purposes of this section, "frequently work" means at least five days per week, one shift per day.

(b) This section applies to reconstruction and new construction of yard track completed after July 1, 2008.

(c) This section does not apply to an entity that owns or operates track in this state other than Class I and Class II rail carriers as classified by the Federal Railroad Administration.

Subd. 2. **General requirements.** (a) Walkways constructed pursuant to this section may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar nonrevenue material. When crushed material is used, 100 percent of the material must be capable of passing through a 1-1/2-inch square sieve opening, and at least 90 percent of the material must be capable of passing through a one-inch square sieve opening provided, however, a de minimus variation is not a violation of this section where the rail carrier has made a good-faith effort to comply with the percentage requirements. Smaller crushed material is preferable, where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching lead tracks.

(b) Walkways must have a reasonably uniform surface and must be maintained in a safe condition without compromising track drainage.

(c) Cross slopes for walkways must not exceed one inch of elevation for each eight inches of horizontal length in any direction.

(d) Walkways must be a minimum width of two feet.

(e) Walkways regulated under this section must be kept reasonably clear of spilled fuel, oil, sand, posts, rocks, and other hazards or obstructions.

Subd. 3. **Allowances for unusual conditions.** Rail carriers are not required to comply with the requirements of this section during (1) maintenance activities or any period of heavy rain or snow, derailments, rock and earth slides, washouts, and similar weather or seismic conditions, and (2) during a reasonable period after any occurrences identified in clause (1) in order to allow a return to compliance.

Subd. 4. **Waiver of requirements.** Upon written request of a rail carrier, the commissioner may waive any portion of this section where conditions do not reasonably allow compliance. A decision of the commissioner is subject to the requirements under section 218.041.

History: *2008 c 350 art 2 s 1; 2023 c 25 s 109*

219.51 VIOLATIONS AND PENALTIES.

Subdivision 1. **Violation.** A common carrier, corporation, or person subject to sections 219.45 to 219.53 violating any of the provisions of those sections, is liable to a penalty of not more than $500 for each violation.

Subd. 2. **Failure to correct.** If a common carrier, person, or corporation (1) fails to correct a violation of sections 219.45 to 219.53 when ordered by the commissioner of transportation within the time provided in the order, and (2) does not appeal the order, then failure to correct the violation as ordered by the commissioner constitutes a new and separate offense distinct from the original violation of sections 219.45 to 219.53.

Subd. 3. **Duties of attorney general.** The penalty must be recovered in a suit brought in the name of the state by the attorney general in a court having jurisdiction in the locality where the violation was committed. Under the direction of the commissioner, the attorney general shall bring suit upon receipt of duly verified information from any person of a violation being committed. The commissioner shall lodge with the attorney general information of any violation as may come to their knowledge.

Subd. 4. **Walkway orders.** When the commissioner finds that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or to the condition of a walkway constructed before July 1, 2008, the commissioner may, under the provisions of this section, order a rail carrier to construct a walkway adjacent to a portion of track where employees are performing switching activities, or require a rail carrier to modify an existing walkway in conformance with the standards set forth in section 219.501, within a reasonable period of time.

Subd. 5. **Filing of complaints.** No formal complaint of an alleged violation of sections 219.45 to 219.53 may be filed until the filing party has attempted to address the alleged violations with the rail carrier. Any complaint of an alleged violation must contain a written statement that the filing party has made a reasonable, good-faith attempt to address the alleged violation.

History: *(4759) 1913 c 307 s 7; 1937 c 238 s 4; 1971 c 25 s 67; 1976 c 166 s 43; 1980 c 534 s 42; 1985 c 265 art 4 s 1; 1998 c 403 s 29; 2008 c 350 art 2 s 2*

219.52 WARNING SIGN; REPORTING CLEARANCE VIOLATIONS.

If a structure is nearer the track than as provided by sections 219.45 to 219.53, the commissioner of transportation shall provide for warning signs to be placed on it of a design and type as the commissioner considers proper unless the commissioner determines a sign is unnecessary. Railroad inspectors of the Department of Labor and Industry shall report to the commissioner and attorney general any violation of sections 219.45 to 219.53 of which they may obtain knowledge.

History: *(4760) 1913 c 307 s 8; 1937 c 238 s 5; 1971 c 25 s 67; 1976 c 166 s 44; 1980 c 460 s 23; 1980 c 534 s 43; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.53 CONTRIBUTORY NEGLIGENCE.

(a) An employee of a common carrier who, while performing duties and engaged in any commerce mentioned in section 219.45, subject to the regulative provisions of sections 219.45 to 219.53, is injured or killed by reason of (1) a violation of section 219.50, (2) a structure or obstruction erected or maintained before the passage of or in violation of sections 219.45 to 219.53, or (3) a structure or obstruction erected or maintained in closer proximity to the rails than provided in sections 219.45 to 219.53 shall not be deemed to have assumed the resultant risk or to have been guilty of contributory negligence although the employee

continued in the employ of the common carrier after becoming aware of the use of the permanent overhead or side structure or obstruction mentioned in sections 219.45 to 219.53.

(b) An exercise of the permission provided for in section 219.47 is at the sole risk of the carrier.

History: *(4761) 1913 c 307 s 9; 1985 c 265 art 4 s 1*

PLATFORMS

219.54 FREIGHT PLATFORM.

(a) Within 30 days after written notice, served in the same manner as a summons in district court, from the governing body of a statutory city containing 250 inhabitants or more, a railroad company shall provide platforms at stations as required by the city and at other stations and sidings when required by the commissioner of transportation.

(b) These platforms must:

(1) be immediately alongside of the railroad company's tracks or sidetracks;

(2) have approaches at each end;

(3) be suitable and convenient for loading and unloading heavy machinery and other freight upon and from the railroad company's cars;

(4) be at least 12 feet wide, strongly built, and floored with planking at least three inches thick;

(5) be at least 32 feet long, exclusive of approaches;

(6) be the height of the floor of an ordinary boxcar; and

(7) have approaches of such grade that heavily loaded vehicles and equipment can be driven on them.

(c) Any company failing to comply with this section shall forfeit to the state not less than $500 nor more than $1,000 for every 30 days that the failure continues.

History: *(4762) RL s 2003; 1923 c 142 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 45; 1980 c 460 s 24; 1980 c 534 s 44; 1985 c 265 art 4 s 1; 1998 c 403 s 29*

219.55 MS 2012 [Repealed, 2014 c 227 art 1 s 23]

EMPLOYEES, EQUIPMENT

219.551 LOCOMOTIVE; WATER AND TOILET FACILITY.

Subdivision 1. **Scope of definitions.** As used in this section, the following words and phrases, unless a different meaning is plainly required, have the meanings given them.

Subd. 2. **Initial terminal defined.** "Initial terminal" means the terminal within the state of Minnesota from which an operating unit is dispatched and at which regular maintenance forces are available to repair defective water coolers and toilet facilities.

Subd. 3. **Operating unit defined.** "Operating unit" means a locomotive or one of the locomotives in a consist, but does not include a switch engine.

Subd. 4. **Consist defined.** "Consist" means two or more locomotives coupled together and used to propel other railroad rolling stock.

Subd. 5. **Water.** Each operating unit or a switch engine used as a single unit when put into service from an initial terminal must be provided with paper cups and at least one gallon of potable water supplied by a water cooler which must be sanitary, clean, and operating.

Subd. 6. **Toilet.** Each operating unit purchased new, not reconditioned, and put into service from an initial terminal must be equipped with a dry hopper, gas or electric incinerator, or other suitable toilet facility, if the operating unit is used for a road operation of 50 miles or more away from the initial terminal. Each consist used in road operations of 50 miles or more away from the initial terminal must have at least one operating unit equipped with a dry hopper, gas or electric incinerator, or other suitable toilet facility; provided, however, in the case of transfer or switching service or emergency or emergency need for additional diesel power equipment, this requirement does not apply. When put into service from an initial terminal, diesel toilet facilities must be sanitary, clean, and operating. Unless otherwise required by operating conditions or an emergency, the operating unit having the toilet facilities must be positioned at the head end of a consist.

Subd. 6a. **Failure of toilet or water facility.** The diesel toilet facilities and water cooler facilities required by this section must be kept sanitary, clean, and operating. When a failure of the required equipment and standards of maintenance occurs after a locomotive has commenced to move in service, the railroad operating that locomotive is not in violation of this section if the failure is corrected at the next initial terminal.

Subd. 7. **Penalty.** A person, company, corporation, or its receiver operating a railroad in violation of this section is guilty of a misdemeanor and, upon conviction, is liable for a penalty of not less than $25 nor more than $200 for each offense. The use of an operating unit not equipped as provided in this section constitutes a separate offense for every day or part of a day so used. The penalty must be recovered in a suit brought in the name of the state in any court having jurisdiction in the county in which the initial terminal is situated, by the attorney general or by the county attorney of that county.

History: *1969 c 86 s 1-4; 1971 c 142 s 1; 1973 c 113 s 1-3; 1985 c 265 art 4 s 1; 1987 c 329 s 21; 2023 c 25 s 110*

219.558 MS 2000 [Repealed, 2001 c 213 s 31]

219.559 MS 2000 [Repealed, 2001 c 213 s 31]

219.56 MS 2000 [Repealed, 2001 c 213 s 31]

219.561 TRACK MOTOR CAR; EQUIPMENT.

Subdivision 1. **Lights.** A person, firm, or corporation operating or controlling a railroad shall equip each of its track motor cars used during the period from 30 minutes before sunset to 30 minutes after sunrise with:

(1) an electric headlight of such construction and of sufficient candlepower to render plainly visible at a distance of not less than 300 feet in advance of the track motor car a track obstruction, landmark, warning sign, or grade crossing; and

(2) a rear electric red light of such construction and of sufficient candlepower as to be plainly visible at a distance of 300 feet.

Subd. 2. **Windshield and top.** Upon request of the section lead supervisor in any section operated by a railroad referred to in subdivision 1, a track motor car must be equipped within 90 days with a windshield

and top wide and high enough to reasonably protect the employees from weather. However, a railroad company is not required in any one year to equip more than an additional 25 motor cars with that equipment.

Subd. 3. **Penalty.** A person, firm, or corporation operating or controlling a railroad and using or permitting to be used on its line in this state a track motor car in violation of this section is guilty of a misdemeanor.

History: *1949 c 680 s 1,2; 1961 c 405 s 1; 1985 c 265 art 4 s 1; 1986 c 444; 2023 c 25 s 111*

219.562 Subdivision 1. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 1a. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 2. MS 1974 [Repealed, 1975 c 282 s 2]

Subd. 3. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 4. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

219.565 MS 2012 [Repealed, 2014 c 227 art 1 s 23]

219.566 MS 2012 [Repealed, 2014 c 227 art 1 s 23]

219.567 FAILURE TO RING BELL.

An engineer driving a locomotive on a railway who fails to ring the bell or sound the whistle on the locomotive, or have it rung or sounded in accordance with Federal Railroad Administration regulations under United States Code, title 49, section 20153, is guilty of a misdemeanor.

History: *(10263) RL s 5001; 1985 c 265 art 4 s 1; 1Sp2005 c 6 art 3 s 87*

219.568 OTHER VIOLATIONS OF DUTY.

An engineer, conductor, brake tender, switch tender, train dispatcher, or other officer, agent, or servant of a railway company, who is guilty of a willful violation or omission of duty as an officer, agent, or servant, by which human life or safety is endangered and for which no punishment is specially prescribed, is guilty of a misdemeanor.

History: *(10264) RL s 5002; 1985 c 265 art 4 s 1*

219.57 PREVENTION OF FIRE.

Subdivision 1. **Spark arrester.** A company operating a railroad shall use upon each locomotive engine a good and efficient spark arrester, which the master mechanic shall have examined each time before leaving the roundhouse. The master mechanic and the employee making the examination are responsible for the good condition of the spark arrester. However, the company is not relieved from its responsibility under this section.

Subd. 2. **Clear right-of-way.** A company shall keep its right-of-way clear of combustible materials, except ties and other materials necessary for the maintenance and operation of the road, from April 15 to December 1, annually.

Subd. 3. **Fires tended, reported.** No company shall permit its employees to leave a deposit of fire, live coals, or ashes in the immediate vicinity of woodland or land liable to be overrun by fire. An engineer, conductor, or train crew member discovering fire adjacent to the track shall report it promptly at the first telegraph or telephone station reached.

Subd. 4. **Extinguishment and prevention instruction.** In dry seasons a railroad company shall instruct its employees in the prevention and extinguishment of fires and have warning placards furnished by the director of the Division of Lands and Forestry of the Department of Natural Resources conspicuously posted at every station in the vicinity of forest and grass lands. When a fire occurs near the line of its road, the railroad company shall concentrate help and adopt measures available for its extinguishment.

Subd. 5. **Patroller.** In dry seasons the railroad company shall employ at least one patroller for each mile of its road through lands liable to be overrun by fire to discover and extinguish fires occurring near the line of the road, by which is meant a distance within which fire could usually be set by sparks from a passing locomotive.

Subd. 6. **Misdemeanor.** A railroad company violating this section is guilty of a misdemeanor and may be assessed costs of prosecution for each offense.

A railroad employee violating this section is guilty of a misdemeanor and may be assessed costs of prosecution.

History: *(4911) RL s 2037; 1909 c 182 s 1; 1911 c 9 s 1; 1967 c 905 s 5; 1969 c 1129 art 3 s 1; 1985 c 265 art 4 s 1; 1987 c 329 s 21; 2005 c 10 art 3 s 13*

219.58 MS 1978 [Repealed, 1980 c 460 s 32]

219.59 MS 1978 [Repealed, 1980 c 460 s 32]

219.60 MS 1978 [Repealed, 1980 c 460 s 32]

219.61 MS 1978 [Repealed, 1980 c 460 s 32]

219.62 MS 1978 [Repealed, 1980 c 460 s 32]

219.63 MS 1978 [Repealed, 1980 c 460 s 32]

219.64 ASSUMPTION OF RISK; CONTRIBUTORY NEGLIGENCE.

An employee of a common carrier who is killed or injured due to improperly adjusted and filled frogs, switches, and guardrails or by a locomotive, tender, car, similar vehicle, or train in use contrary to federal or state railroad safety laws and standards shall not be held to have assumed the risk of death or injury by continuing in the employment of the carrier after obtaining knowledge of the unlawful use of the locomotive, tender, car, similar vehicle, or train; nor may the employee be held to have contributed to the injury when the carrier has violated federal or state railroad safety laws and standards and the violation contributed to the death or injury of the employee.

History: *(4920) 1907 c 202; 1909 c 488 s 7; 1980 c 460 s 25; 1985 c 265 art 4 s 1*

219.65 MS 1978 [Repealed, 1980 c 460 s 32]

219.66 MS 1978 [Repealed, 1980 c 460 s 32]

219.661 SPEEDOMETER; LEGISLATIVE FINDINGS.

The legislature finds that the safe operation of locomotives by common carriers by rail within the state requires that they be equipped with fully operable speedometers within view of the engineer or operator of the locomotive.

History: *1975 c 406 s 1; 1985 c 265 art 4 s 1*

219.662 SPEEDOMETER REQUIRED; REPORTS.

Subdivision 1. **Requirement.** No railroad locomotive may be operated without a speedometer or speed recorder functioning correctly within three miles per hour and within the view of the engineer or operator of the locomotive.

Subd. 2. MS 2022 [Repealed, 2023 c 25 s 190]

Subd. 3. **Yard switching service.** Locomotives operated or used exclusively within designated yard limits in switching service need not be equipped in accordance with this section.

Subd. 4. **Failure of required equipment.** If the required equipment fails after a locomotive has commenced to move in service, the railroad operating that locomotive is not in violation of this section and section 219.661 if the defect is corrected at the next initial terminal, as defined in section 219.551, subdivision 2, where regular maintenance forces are available to repair or replace the equipment.

Subd. 5. **Notice of compliance.** A railroad shall notify the commissioner of the date that each locomotive comes into compliance with this section. The notification shall state the serial number or other identification of the locomotive.

Subd. 6. **Compliance list or schedule.** A railroad affected by this section shall maintain at a designated location a list or schedule of the locomotives referred to in subdivision 5. It shall set forth, along with other information, the date that the speed indicator or speed recorder was calibrated and found to be functioning in accordance with this section. It shall advise the commissioner as to the designated location.

Subd. 7. **Enforcement.** The commissioner shall enforce this section and may issue orders proper to require compliance with it.

History: *1975 c 406 s 2; 1976 c 166 s 49-51; 1985 c 265 art 4 s 1*

219.67 MS 1978 [Repealed, 1980 c 460 s 32]

219.68 MS 1941 [Repealed, 1945 c 21 s 8]

219.681 MS 2000 [Repealed, 2001 c 213 s 31]

219.69 MS 2000 [Repealed, 2001 c 213 s 31]

219.691 MS 2000 [Repealed, 2001 c 213 s 31]

219.692 MS 2000 [Repealed, 2001 c 213 s 31]

219.695 MS 2000 [Repealed, 2001 c 213 s 31]

219.70 MS 2000 [Repealed, 2001 c 213 s 31]

219.71 MS 2000 [Repealed, 2001 c 213 s 31]

219.72 MS 1941 [Repealed, 1945 c 21 s 8]

219.73 MS 1941 [Repealed, 1945 c 21 s 8]

219.74 MS 1941 [Repealed, 1945 c 21 s 8]

219.741 MS 2000 [Repealed, 2001 c 213 s 31]

219.742 MS 1982 [Repealed, 1980 c 534 s 86]

219.743 MS 2000 [Repealed, 2001 c 213 s 31]

219.75 MS 1941 [Repealed, 1945 c 21 s 8]

219.751 MS 2000 [Repealed, 2001 c 213 s 31]

219.752 MINIMUM CREW SIZE.

Subdivision 1. **Class I or Class II railroad.** A Class I railroad or Class II railroad must not operate a train or light engine used in connection with the movement of freight unless it has a crew of a minimum of two individuals.

Subd. 2. **Class III railroad.** (a) For purposes of this subdivision, "shared corridor" means a segment of railroad track in which light rail transit operates within or adjacent to right-of-way used in freight rail operation.

(b) A Class III railroad while operating in a shared corridor must not operate a train or light engine used in connection with the movement of freight unless it has a crew of a minimum of two individuals.

Subd. 3. **Exemption.** The requirements of this section do not apply to hostler services or utility employees.

Subd. 4. **Penalty; action.** (a) Any railroad that willfully violates this section must pay a fine of not less than $250 or more than $1,000 for a first offense, not less than $1,000 or more than $5,000 for a second offense committed within three years of the first offense, and not less than $5,000 nor more than $10,000 for a third or subsequent offense committed within three years of the first offense.

(b) Fines prescribed in this section must be recovered in a civil action before a judge of the county in which the violation occurs.

History: *2023 c 68 art 4 s 75*

219.753 CRANE ON TRACKS; DETECTOR; MISDEMEANOR.

A crawler crane, a locomotive crane, or a truck crane, as defined in the definitions of occupational safety and health administration standards of the United States Department of Labor, which operates upon a railroad track and has a boom which extends 12 feet or more vertically above the ground or the rails, must be equipped with a warning device able to detect an electrical line which comes within 15 feet of the boom. When an electrical line is detected, no person is required to operate the crane unless the electricity is shut off or the electrical line is rerouted in a manner to prevent contact with the machine. Violation of this section by a person or corporation is a misdemeanor.

History: *1975 c 286 s 1; 1985 c 265 art 4 s 1*

219.755 MS 2000 [Repealed, 2001 c 213 s 31]

219.756 YARDMASTER HOURS OF SERVICE.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Railroad" means a common carrier that is classified by federal law or regulation as a Class I railroad, Class II railroad, or Class III railroad.

(c) "Yardmaster" means an employee of a common carrier who is responsible for supervising and coordinating the control of trains and engines operating within a railyard, not including a dispatching service employee, signal employee, or train employee as those terms are defined in United States Code, title 49, section 21101.

Subd. 2. **Hours of service.** (a) A railroad operating in this state must not require or allow a yardmaster to remain or go on duty:

(1) in any month when the employee has spent a total of 276 hours on duty or in any other mandatory service for the carrier;

(2) for a period exceeding 12 consecutive hours; and

(3) unless the employee has had at least ten consecutive hours off duty during the prior 24 hours.

(b) A railroad operating in this state must not require or allow a yardmaster to remain or go on duty after the employee has initiated an on-duty period each day for six consecutive days unless the employee has had 48 consecutive hours off at the employee's home terminal, during which time the employee is unavailable for any service.

History: *2024 c 127 art 3 s 88*

LIABILITY

219.76 DAMAGE CAUSED BY TRAIN OR CONTENTS; INSURABLE INTEREST.

A railroad operating in this state is responsible in damages to every person who is injured and public or private entity or person whose property is injured, damaged, or destroyed by fire spread directly or indirectly by the locomotive or rolling stock in use upon its railroad line, or contents of the rolling stock, or caused directly or indirectly by spill, tear, discharge, or combustion of train contents. Each railroad shall have an insurable interest in the property upon the route of its railroad line and may procure insurance in its own behalf for its protection against the damages.

History: *(4932) RL s 2041; 1909 c 378 s 1; 1985 c 265 art 4 s 1; 2015 c 75 art 2 s 33*

219.761 RESPONSE TO TRAIN-RELATED FIRE OR OTHER EMERGENCY; REIMBURSEMENT.

Subdivision 1. **Reimbursement.** (a) A railroad operating in Minnesota is liable for all reasonable expenses of a fire or other emergency that is proximately caused by a railroad locomotive, rolling stock or its contents, or employees on a railroad right-of-way, operating property, or other property. If an emergency responder, local government entity, or nonprofit firefighting corporation responds to a fire or responds to another emergency and deems that it is entitled to reimbursement for its expenses, it shall, within 60 days after the first full day after the emergency response, give the railroad written notice stating the circumstances of the fire or other emergency 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 or service of the notice. For purposes of this paragraph, reasonable response expenses include all expenses incurred by a fire department or other emergency responder in supplying mutual aid assistance, regardless of whether the fire department or emergency responder is entitled to reimbursement from the entity requesting assistance.

(b) If after notice and claim for reimbursement, the railroad refuses to reimburse the local government, or nonprofit firefighting corporation, or other emergency responders 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 or respond to the emergency. The state Fire Marshal, in consultation with fire department chiefs, representatives of the interested railroads, representatives of local government entities, nonprofit firefighting corporations, and other emergency responders, 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 and other emergencies caused directly or indirectly by a railroad locomotive, rolling stock, contents, or railroad employees on a railroad right-of-way, operating property, or other property, or caused directly or indirectly by spill, tear, discharge, or combustion of train contents.

History: *1977 c 95 s 1; 1981 c 32 s 2; 1985 c 265 art 4 s 1; 2015 c 75 art 2 s 34*

219.77 RAILROAD EMPLOYER LIABILITY.

A company, person, or corporation, owning or operating as a common carrier or otherwise a steam railroad or railway in the state, is liable in damages to an employee suffering injury while engaged in that employment; or, in case of death of the employee, to the personal representative for the benefit of the surviving spouse and children of the employee; and if none, then to the employee's parents; and if none, then to the next of kin dependent upon the employee, for injury or death resulting in whole or in part from the negligence of the officers, agents, or employees of the employer, or by reason of a defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment due to the employer's negligence.

History: *(4933) 1915 c 187 s 1; 1923 c 333 s 1; 1951 c 51 s 1; 1985 c 265 art 4 s 1; 1986 c 444*

219.78 MS 1949 [Repealed, 1951 c 51 s 2]

219.79 CONTRIBUTORY NEGLIGENCE DOES NOT BAR RECOVERY.

Subdivision 1. **When damages reduced.** In an action brought against an employer under or by virtue of sections 219.77 to 219.83, to recover damages for death or personal injury of the employee, the fact that the employee may have been guilty of contributory negligence does not bar a recovery but the damages must be diminished by the jury in proportion to the amount of negligence attributable to that employee.

Subd. 2. **When damages not reduced.** An employee who is injured or killed may not be found guilty of contributory negligence when the employer's violation of a statute enacted for the safety of employees contributed to the injury or death of the employee.

History: *(4935) 1915 c 187 s 3; 1985 c 265 art 4 s 1*

219.80 ASSUMPTION OF RISK NO DEFENSE.

In an action brought against an employer under or by virtue of sections 219.77 to 219.83 to recover for injuries to or the death of an employee, the employee may not be held to have assumed the risk of the employment.

History: *(4936) 1915 c 187 s 4; 1935 c 69 s 1; 1985 c 265 art 4 s 1*

219.81 CONTRARY CONTRACT DECLARED VOID.

Any contract, rule, or device whatever, the purpose or intent of which is to enable an employer to escape liability created by sections 219.77 to 219.83, is to that extent void. In an action brought against the employer under or by virtue of sections 219.77 to 219.83, the employer may set off any sum the employer has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee, or to the persons entitled to it on account of the injury or death for which the action was brought.

History: *(4937) 1915 c 187 s 5; 1985 c 248 s 70; 1985 c 265 art 4 s 1; 1986 c 444*

219.815 EMPLOYER INCLUDES RECEIVER.

"Employer," as used in sections 219.77 to 219.83, includes a receiver or other person charged with the duty of management and operation of a business employing labor.

History: *(4938) 1915 c 187 s 6; 1985 c 265 art 4 s 1*

219.82 SURVIVAL OF RIGHT OF ACTION.

A right of action given by sections 219.77 to 219.83 to a person suffering injury survives to the personal representative for the benefit of the surviving spouse and children of the employee; and if none, then of the employee's parents; and if none, then of the next of kin dependent upon the employee, but in such cases there shall be only one recovery for the same injury.

History: *(4939) 1915 c 187 s 7; 1923 c 333 s 3; 1985 c 265 art 4 s 1; 1986 c 444*

219.83 LIMITATION OF ACTION.

No action may be maintained under sections 219.77 to 219.83 unless commenced within two years from the day the cause of action accrues.

History: *(4940) 1915 c 187 s 8; 1985 c 265 art 4 s 1*

219.84 MS 1978 [Repealed, 1980 c 460 s 32]

219.85 MS 2000 [Repealed, 2001 c 213 s 31]

219.86 MS 1978 [Repealed, 1980 c 460 s 32]

219.87 MS 1978 [Repealed, 1980 c 460 s 32]

219.88 MS 2000 [Repealed, 2001 c 213 s 31]

219.89 MS 1978 [Repealed, 1980 c 460 s 32]

219.90 MS 1978 [Repealed, 1980 c 460 s 32]

219.91 MS 1978 [Repealed, 1980 c 460 s 32]

NEW LINES

219.92 NEW ROAD.

Subdivision 1. **Completion notice; filing.** Before opening to public use a railroad branch, extension, or other railroad constructed by a railroad company, the company (1) shall notify the commissioner that it is finished, safe for operation, and in full compliance with federal track safety standards, and (2) shall file with the commissioner a map and profile of the construction with a table of grades, curvatures, and mileage, a statement of other characteristics of the road, and an itemized statement showing the actual cost of the construction; all in a form complying with the federal track safety standards and attested to by oath of the president or other managing officer and the chief engineer of the company.

Subd. 2. **Inspection.** Before the new line is operated as a public road, the commissioner shall inspect it or have it inspected by the state federal track safety inspectors, and furnish the company with a certificate showing compliance with subdivision 1 and that the road has been inspected and found safe for operation.

Subd. 3. **Use before completion.** When found desirable to operate before completion a portion of a newly built railroad or a new branch, extension, or otherwise, the commissioner, on application, may authorize the operation of the new portion pending completion of the entire road under terms and conditions the commissioner may impose in the interests of the public.

History: *(4903) RL s 2032; 1907 c 260 s 1; 1913 c 126 s 1; 1971 c 25 s 67; 1976 c 166 s 61; 1980 c 460 s 29; 1985 c 265 art 4 s 1*

MISCELLANEOUS

219.93 STOPPING TRAIN AT CROSSING.

A company operating a railroad shall have all trains on the railroad come to a full stop not less than ten nor more than 60 rods before reaching a railroad junction or crossing at grade, unless stoppage is rendered unnecessary by an interlocking plant or other device approved by the written order of the commissioner or by the court upon appeal.

History: *(4905) RL s 2033; 1971 c 25 s 67; 1976 c 166 s 62; 1985 c 265 art 4 s 1*

219.94 MS 1978 [Repealed, 1980 c 460 s 32]

219.95 MS 1978 [Repealed, 1980 c 460 s 32]

219.96 MS 1978 [Repealed, 1980 c 460 s 32]

219.97 VIOLATIONS; PENALTIES.

Subdivision 1. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 2. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 3. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 4. **Violation of grade crossing safety requirement.** A person, firm, or corporation violating sections 219.16 to 219.30 is guilty of a misdemeanor. The violation of section 219.22 does not of itself constitute contributory negligence as a matter of law.

Subd. 5. **Ditch or culvert violation.** A railroad or receiver or lessee of the railroad failing or neglecting to comply with section 219.37 shall forfeit and pay to the state $200 for every mile of a ditch which it fails to keep clean during any season. This amount must be collected in a civil action brought by the attorney general or by the county attorney of the county through or into which that railroad extends.

Subd. 6. MS 2000 [Repealed, 2001 c 213 s 31]

Subd. 7. MS 2000 [Repealed, 2001 c 213 s 31]

Subd. 8. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 9. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 10. MS 2000 [Repealed, 2001 c 213 s 31]

Subd. 11. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 12. **Violation of requirements for new road.** A carrier failing to comply with section 219.92 or with an order of the commissioner made under section 219.92 shall forfeit $100 for each day's default, to be recovered in a civil action in the name of the state.

Subd. 13. **Violation of provision for stopping train at crossing.** Upon the complaint of any person, a company operating a railroad violating section 219.93 shall forfeit not less than $20 nor more than $100 to be recovered in a civil action before a judge of the county in which the violation occurs. One-half of the forfeiture must go to the complainant and one-half to the school district where the violation occurs.

Subd. 14. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 15. MS 1978 [Repealed, 1980 c 460 s 32]

Subd. 16. MS 1978 [Repealed, 1980 c 460 s 32]

History: *(4726, 4731, 4732, 4743-17, 4751, 4880, 4888, 4890, 4893, 4897, 4900, 4904, 4905, 4906, 4910, 4925) RL s 1993; 2030; 2033; 2034; 2036; 1905 c 208 s 2; 1905 c 252 s 3; 1905 c 287 s 2; 1907 c 276 s 3; 1909 c 377 s 2; 1909 c 382 s 2; 1913 c 93 s 2; 1913 c 126 s 2; 1919 c 335 s 3; 1921 c 244 s 2; 1925 c 336 s 17; 1941 c 338 s 1; 1941 c 390 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1976 c 166 s 63,64; 1980 c 460 s 30; 1983 c 359 s 22; 1985 c 265 art 4 s 1; 2006 c 260 art 5 s 5*

219.98 FEES FOR APPLYING FOR ORDER.

A person other than the state, a state agency, or a political subdivision, who applies for an order of the commissioner of transportation relating to clearances under section 219.47, permitting the abandonment or removal of track, or permitting abandonment of a station or discontinuance or reduction of agency service, shall pay, at the time the application is filed, into the state treasury a fee of $100. A person other than the state, a state agency, or a political subdivision, applying for an order of the commissioner under any other provision of this chapter shall pay, at the time the application is filed, into the state treasury a fee of $50.

History: *1Sp1985 c 10 s 82; 1998 c 403 s 29; 2002 c 379 art 1 s 57*

219.99 RAILROAD PRAIRIE RIGHT-OF-WAY; BEST MANAGEMENT PRACTICES.

The commissioner of natural resources shall conduct a field review of railroad rights-of-way to identify native prairie. The priority will be to identify and conduct a field review of any surveys which have been conducted previously, whether by public or private persons, of native prairies within railroad rights-of-way

in this state. In cooperation with railroad companies, the commissioner shall identify management practices used to control vegetation along railroad rights-of-way. The commissioner shall then assess the impact of those management practices on the prairie lands within the railroad rights-of-way. Based on that assessment, the commissioner and railroad companies shall jointly develop voluntary best management practices for prairie lands within railroad rights-of-way. The commissioner shall, to the extent feasible, work with private individuals and groups to cause to be erected markers at either end of each native prairie within a railroad right-of-way.

History: *1997 c 216 s 125; 2007 c 57 art 1 s 147*

219.995 RAILROAD PEACE OFFICERS.

Subdivision 1. **Chief law enforcement officer.** A railroad that intends to employ railroad peace officers as defined in section 626.84, subdivision 1, paragraph (h), shall appoint a chief law enforcement officer to oversee and take responsibility for all railroad peace officers employed by the railroad. The chief law enforcement officer of a railroad company must be a Minnesota-licensed peace officer. Before appointing a railroad chief law enforcement officer, the railroad must submit a request for license for a license-eligible applicant, or a notice of appointment for an officer already licensed in Minnesota, to the Board of Peace Officer Standards and Training attesting that the appointee has met all education, training, and minimum selection standards in Minnesota Rules, chapter 6700. The appointee may not exercise peace officer powers until the request for license or notification form is received and approved by the board.

Subd. 2. **Railroad; employment of peace officers.** After appointing a railroad chief law enforcement officer, a railroad may employ railroad peace officers to aid and supplement law enforcement agencies in the protection of property owned by or in the care, custody, or control of a railroad and to protect the persons and property of railroad passengers and employees.

Subd. 3. **Responsibilities of railroad company.** A railroad company that employs railroad peace officers must cooperate with the Board of Peace Officer Standards and Training with respect to the board's authority to oversee peace officer licensing. Upon request by the board, a railroad company that employs railroad peace officers must share or produce any public, private, or confidential data that the board has the authority to request from other state and local law enforcement agencies. Failure by the railroad company to comply with the board's exercise of its regulatory and oversight authority may result in implementation of sanctions as described in subdivision 7.

Subd. 4. **Duties of railroad chief law enforcement officer.** A railroad chief law enforcement officer has the same duties and responsibilities as the chief law enforcement officer of any state or local law enforcement agency, including but not limited to appointing and supervising peace officers, ensuring ongoing continuing education of peace officers, maintaining agency and peace officer records, reporting misconduct and policy compliance, and any other duty or responsibility described in chapter 626 or Minnesota Rules, chapter 6700.

Subd. 5. **Authority; limitation.** (a) Except as otherwise provided by this section, a railroad peace officer has all powers and privileges of a licensed peace officer in this state in connection with the prevention, investigation, arrest, or prosecution of an offense occurring on railroad property and involving injury to passengers or employees of a railroad or involving an offense against property owned by or in the care, custody, or control of a railroad. A railroad peace officer's law enforcement powers shall apply only on railroad property, except that an officer may exercise the authority given to peace officers under section 629.40, subdivisions 2 and 4. If a search warrant is obtained by a railroad peace officer, the officer shall notify the chief of police of an organized full-time police department of the municipality or, if there is no

local chief of police, the sheriff or a deputy sheriff of the county in which service of the warrant is to be made, prior to execution.

(b) A railroad must not direct, require, or allow a railroad peace officer to enforce a railroad's rules, policies, or procedures that are unrelated to the commission of a criminal offense, or investigate any matter involving civil litigation by or against a railroad. A railroad company that employs railroad peace officers must adopt or update any applicable policy to be consistent with this paragraph and must provide a copy of the policy to the representatives of any labor organization that represents employees of the railroad, including but not limited to any labor organization subject to the Federal Railway Labor Act. Notwithstanding any law to the contrary, a railroad peace officer who makes a representation of being a peace officer and performs or attempts to perform any of those acts is subject to discipline as if the peace officer violated the standards of conduct set forth in Minnesota Rules, chapter 6700.

Subd. 6. **Licensing.** The Board of Peace Officer Standards and Training shall license railroad peace officers appointed by the railroad's chief law enforcement officer under subdivision 1 who meet the board's standards for peace officer licensure under chapter 626 and Minnesota Rules, chapter 6700. Except as otherwise provided in this section, railroad peace officers are subject to all of the provisions applicable to peace officers under chapter 626 and Minnesota Rules, chapter 6700.

Subd. 7. **Immediate suspension of authority.** At the sole discretion of the Board of Peace Officer Standards and Training, the board may immediately suspend or revoke the license of the chief law enforcement officer of a railroad company for any reason within the board's jurisdiction. If the board suspends or revokes the license of the chief law enforcement officer, the railroad's law enforcement agency shall be deemed disbanded and the licenses of all peace officers on the railroad agency roster will be placed in inactive status. The requirement to place a peace officer's license in inactive status does not apply to a railroad peace officer who also works as a licensed peace officer for a different law enforcement agency in Minnesota, but such an officer must no longer be designated a railroad peace officer. Except as noted in this section, the licenses of railroad peace officers are subject to the requirements, restrictions, and disciplinary procedures that apply to any other licensed peace officer.

Subd. 8. **Compensation; benefits; fees.** (a) A railroad peace officer shall be compensated by the railroad by which the officer is employed.

(b) A railroad peace officer is not entitled to receive any compensation, benefits, or other remuneration provided or required to be provided to other licensed peace officers by this state or any political subdivision or agency of this state.

(c) A railroad peace officer may attend any training course offered to peace officers of this state, provided that railroad peace officers pay reasonable tuition and costs.

Subd. 9. **Railroad liability.** A railroad company employing a railroad peace officer in this state is liable for all acts, errors, and omissions of a railroad peace officer occurring in the course and scope of the peace officer's employment by the railroad and shall indemnify its peace officers for civil damages, penalties, or fines claimed or levied against the officer according to section 181.970. Neither this state nor any political subdivision or agency of the state is liable for any act, error, or omission of a railroad peace officer.

Subd. 10. **Construction.** Nothing in this section shall be construed to limit or in any way restrict the rights, powers, or privileges granted to a peace officer in this state who is not a railroad peace officer.

History: *2024 c 123 art 3 s 3*