

TRANSFER FACILITIES.

CHAPTER 195.

[S. B. 164.]

TRANSFER FACILITIES.

AN ACT to Provide for Transfer Facilities at Track Crossings at Grade of Common Carriers, Determining How the Expenses of Such Track Crossings Shall be Paid.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TRANSFER FACILITIES.] All common carriers, doing business in the state of North Dakota, shall provide at all points of connection, crossing or intersection at grade where it is practicable and necessary for the interest of traffic, ample facilities by track connections for transferring any cars used in the regular business of their respective lines of road, from their lines or tracks to those of any other common carrier whose lines or track may connect with, cross or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rate or charges between such connecting lines, or on freight coming over such lines; but this shall not be construed as requiring any common carrier to furnish for another common carrier its tracks, equipment or terminal facilities without reasonable compensation; that each of said connecting lines shall pay its proportionate share for the building and maintenance of such track and switches as may be necessary to furnish the transfer facilities required by this act, and in case they cannot agree on the amount which each line shall pay, then said amount shall, upon application by either party, be determined and adjusted by the board of railroad commissioners, and either party shall have the right to appeal from the order of said board, fixing the amount so to be paid, to the district court of the county where said transfer facilities are furnished, by serving a notice in writing on the adverse party within ten days after the making and filing of such order by said board, and upon the service of such notice there shall be pending in said district court a civil action for the adjustment and determination of the amount to be paid by each carrier for the expense of the building and maintenance of such transfer facilities. Pleadings shall be made, served, and filed in said action in conformity to those required by law and rules of practice in said court, and said cause shall be tried in the manner provided for the trial of civil actions in the district courts of this state.

Approved March 13, 1901.