

PUBLIC UTILITIES

CHAPTER 305.

H. B. No. 216—(Westby)

CLEARANCE OF OBSTRUCTIONS ON RAILROADS

AN ACT

To amend and reenact Sections 49-1306 of the North Dakota Revised Code of 1943 relating to clearance of obstructions on railroads and authority of the public service commission in relation thereto.

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

§ 1. AMENDMENT.] That Section 49-1306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1306. CLEARANCE REQUIRED OVER TRACKS.] No railroad corporation, unless authorized by the commission shall erect or maintain on any standard gauge road on its line or on any standard gauge side track used in connection therewith, for use in any traffic mentioned in section 49-1303 any:

1. Coal chute, stock pen, pole, mail crane, standpipe, hog drencher, embankment of earth or natural rock, or any fixed or permanent structure or obstruction upon its line of railroad or on any sidetrack used in connection therewith, at a distance not less than eight feet, measured from the center line of the track, which said structure or obstruction adjoins on standard gauge roads; nor
2. Overhead wires, bridges, viaducts, or other obstructions passing over and above its tracks at a less height than twenty-one feet, measured from the top of the track rail.

The public service commission, upon application after a thorough investigation and hearing in any particular case, may permit any railroad corporation to which this Act applies to erect or reconstruct and maintain any such railroad facility at a lesser clearance than herein provided for when in the judgment of said commission the compliance with the clearance prescribed herein would be unreasonable or unnecessary and when a lesser clearance than that hereinbefore provided for would not create a condition unduly hazardous to the em-

ployees of such railroad corporation or any other person or corporation. Station freight house platforms which have a vertical height of not more than four feet, measured from the top of the track rail, may be erected and maintained at a less distance from the center of the track which they adjoin than herein specified.

Approved March 15, 1947.

CHAPTER 306

H. B. No. 309—(Smart, Acheson and Metcalf)

REGULATING RAISING AND LOWERING ELECTRIC SUPPLY AND COMMUNICATION LINES FOR MOVEMENT OF BUILDINGS OR OTHER BULKY OBJECTS—ASSESSMENT OF RESPECTIVE CHARGES

AN ACT

Regulating the raising and lowering of electric supply and communication lines to permit the movement of buildings or other bulky objects; providing for the promulgation of rules and regulations pertaining to the raising and lowering of said lines; providing for the assessment of charges therefor; and declaring an emergency.

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

§ 1. The Public Service Commission shall have power:

- (1) To regulate the raising and lowering of electric supply and communication lines to permit the movement of buildings or other bulky objects; and to adopt and promulgate, after notice and hearing, reasonable rules regulations pertaining thereto; and,
- (2) To require, after notice and hearing, increased clearances in specific locations where electric supply and communication lines cross public roads and streets, provided that the movement of buildings or other bulky objects thereon is sufficiently frequent to so warrant.

§ 2. Any party requesting the raising or lowering of electric supply and communication lines shall be required to pay not more than the actual cost reasonably and necessarily incurred therefor. The Commission shall, upon application, and after notice and hearing, review and determine the reasonableness of any charges assessed for the raising and

lowering of electric supply and communication lines, and if said charges are found unreasonable, the Commission shall fix a just and reasonable charge.

§ 3. This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1947.

CHAPTER 307

S. B. No. 17

(Brant for Legislative Research Committee at the request of Public Service Commission)

APPOINTMENT OF PUBLIC SERVICE COMMISSION EXAMINERS

AN ACT

To amend and reenact Section 49-0108 of the North Dakota Revised Code of 1943, relating to the appointment of examiners by the public service commission to conduct hearings; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 49-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0108. APPOINTMENT OF EXAMINERS BY PUBLIC SERVICE COMMISSION.] The commission may designate the special assistant attorney general appointed by the attorney general as commerce counsel of the Commission; the director of auto transportation; the chief statistician; or chief engineer, to act as an examiner for the purpose of holding any hearing which the commission, or any member thereof, has power or authority to hold.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 308

S. B. No. 142—(Leno)

**LIGNITE TO BE FURNISHED FARMERS OR THEIR AGENTS UPON
CALL BY LIGNITE MINE OPERATORS; PENALTIES****AN ACT**

To require operators of lignite mines located within the state of North Dakota to furnish and deliver coal to farmers or their agents, truckers and other persons, whenever such farmers or their agents, truckers, or other persons call for lignite at the mines; providing for penalties and declaring an emergency.

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

§ 1. **OWNER OR OPERATOR OF LIGNITE MINE NOT TO DISCRIMINATE AGAINST CERTAIN PERSONS.]** Any farmer or his agent, trucker, or other person having a conveyance suitable for the transportation of lignite and calling at any lignite mine located and operated in the state of North Dakota shall not be discriminated against and may demand and receive lignite at prevailing prices from the owner, operator, or other person in charge of such mine, if such mine is actually loading lignite and making it readily available for delivery at the time of such demand. Such owner, operator, or other person in charge of such mine shall not be compelled to sell or deliver more than twenty-five percent of the total output of such mine in any one week to such farmer, agent, trucker, or other persons calling for delivery of lignite at such mine.

§ 2. **PENALTY.]** Any owner, operator, or other person in charge of any lignite mine in the state of North Dakota violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars or more than three hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

§ 3. **EMERGENCY.]** That this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 309

H. B. No. 120—(Westby, Saumur and Benson)

SOUND WARNINGS BY LOCOMOTIVES AT PUBLIC HIGHWAY
CROSSINGS

AN ACT

To amend and reenact Sections 49-1121, 49-1122, and 49-1123 of the North Dakota Revised Code of 1943, relating to sound warnings by locomotives at public highway crossings.

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

§ 1. AMENDMENT.] That Section 49-1121 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1121. BELL, HORN OR WHISTLE SOUNDED AT CROSSING BY LOCOMOTIVE.] A bell of at least thirty pounds in weight or a steam whistle or an air horn shall be placed on each locomotive engine and shall be rung or whistled or sounded at a distance of at least eighty rods from the place where the said railroad shall cross any other road or street and shall be kept ringing or whistling or sounded until it shall have crossed said road or street.

§ 2. AMENDMENT.] That Section 49-1122 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1122. LIABILITY OF RAILROAD CORPORATION FOR FAILURE OF LOCOMOTIVE TO SOUND BELL, HORN OR WHISTLE AT CROSSING.] The railroad corporation owning the locomotive which fails to sound its bell or whistle or horn at any road or street crossing as provided by Section 49-1121 shall be punished by a fine of fifty dollars and also shall be liable for all damages which shall be sustained by any person by reason of such neglect.

§ 3. AMENDMENT.] That Section 49-1123 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1123. LIABILITY OF ENGINEER FOR FAILURE TO SOUND BELL, HORN OR WHISTLE OF LOCOMOTIVE AT CROSSING.] Every locomotive engineer who does not cause a bell to ring or a steam whistle or air horn to sound as provided by section 49-1121 shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than sixty days.

Approved March 15, 1947.

CHAPTER 310

S. B. No. 137—(Rue and Work)

REGULATING COMMON, SPECIAL AND CONTRACT MOTOR CARRIERS**AN ACT**

To amend and reenact sections 49-1803 and 49-1804 of the North Dakota Revised Code of 1943 relating to the regulation of common, special and contract motor carriers.

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

§ 1. AMENDMENT.] That section 49-1803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1803. APPLICATION OF CHAPTER TO COMMON MOTOR CARRIER LIMITED.] This chapter shall not apply to any common or special motor carrier of property or passengers operating 1, wholly within a city or village in this state, or 2, not to exceed one mile from the corporate or recognized limits of such city or village.

§ 2. AMENDMENT.] That section 49-1804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1804. APPLICATION OF CHAPTER TO CONTRACT MOTOR CARRIERS LIMITED.] This chapter shall not apply to contract motor carriers of property or passengers operating:

1. Wholly within a city or village of this state;
2. Within not to exceed one mile of a city or village;
3. Exclusively in the transportation of children to or from school; or
4. As rural mail carriers.

Approved March 15, 1947.

CHAPTER 311

S. B. No. 21

(Brant for Legislative Research Committee at the request of Public Service Commission)

CERTAIN MOTOR CARRIER EXEMPTIONS TO FARMERS AND ASSOCIATIONS OF FARMERS HAULING OWN GOODS**AN ACT**

To amend and reenact Section 49-1802 of the North Dakota Revised Code of 1943, as amended and reenacted by Chapter 273 of the North Dakota Session Laws for the year 1945, providing for certain exemptions to farmers and associations of farmers hauling their own goods and authorizing emergency transportation service.

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

§ 1. AMENDMENT.] That Section 49-1802 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 273 of the North Dakota Session Laws for the year 1945, is hereby amended and reenacted to read as follows:

49-1802. INAPPLICABILITY OF PROVISIONS OF CHAPTER.] The provisions of Chapter 49-18, North Dakota Revised Code of 1943 shall not apply:

1. To any person transporting his own property with his own vehicle when such person is the bona fide owner of the property so transported;
2. To an association of farmers owning or controlling a motor vehicle transporting for its farmer members agricultural commodities of all kinds, livestock and farm supplies from the farms where such commodities are produced, grown or processed to the market, village or place where such commodities are sold, stored, or otherwise disposed of, and the transportation of such commodities from the market, village, or place where the same are purchased or acquired to the farms where the same are to be used, consumed, or processed; and
3. To the transportation of property for hire or otherwise between the farms and the usual local trading places of the farmer for whom the transportation is performed, or between farms locally.

Approved March 6, 1947.

CHAPTER 312**S. B. No. 126
(Streibel and Rue)****PAYMENT OF 1945 AND 1946 EXPENSES PUBLIC SERVICE
COMMISSIONERS****AN ACT**

Providing for the payment of expenses to commissioners of the Public Service Commission, and declaring an emergency.

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

§1.] Each commissioner of the Public Service Commission of the State of North Dakota, who resides at the Capitol of this state in order to properly discharge his official duties, shall be paid, when this law becomes effective, the sum of Nine Hundred Dollars per annum for the calendar years of 1945 and 1946 for traveling expenses and moneys expended by him while engaged in the discharge of his official duties, to be paid by the State Auditor from the Auto Transportation Fund without the filing of any itemized voucher or statement; provided, however, that this act shall not apply to any commissioner of the Public Service Commission who received a salary as such commissioner of \$3,300.00 per annum for the years of 1945 and 1946 as provided for in Section 49-0105 of the North Dakota Revised Code for 1943.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 313**S. B. No. 131—(Rue and Strelbel)****PAYMENT 1947 AND 1948 EXPENSES PUBLIC SERVICE
COMMISSIONER****AN ACT**

Providing for the payment of expenses to the Commissioners of the Public Service Commission, and declaring an emergency.

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

§ 1.] Each commissioner of the Public Service Commission of the State of North Dakota, who resides at the Capitol of this state in order to properly discharge his official duties, shall be paid the sum of Nine Hundred Dollars for each of the calendar years of 1947 and 1948 from any balance in the Auto Transportation Fund, for traveling expenses and moneys expended by him while engaged in the discharge of his official duties, to be paid in quarterly payments by the State Auditor without the filing of any itemized statement and in addition to any appropriation for expenses out of the general fund payable to such commissioner or commissioners; provided, however, that this act shall not apply to any commissioner of the Public Service Commission who shall have been elected after the effective date of the increase in salary provided for in Section 49-0105 of the North Dakota Revised Code of 1943.

§ 2.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.