

CHAPTER 533—H.F.No. 1190

An act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; discontinuing and removing Route No. 327 from the trunk highway system; permitting certain equipment to use crossovers between the main line roadways of controlled access highways when operating within a marked construction zone; modifying the availability of federal reimbursements deposited in the state treasury and appropriated to the federal-state safety account; prohibiting depositing snow or ice on a highway; excluding minor relocations of pipelines caused by highway construction from the definition of construction; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 160.27, Subdivision 5; 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 161.51; 169.305, Subdivision 1; 169.42, Subdivision 1; and 505.03, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 1161.01, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1979 Supplement, Section 1161.01, Subdivision 2, is amended to read:

Subd. 2. "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair or replacement of an existing pipeline within the existing right-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline.

Sec. 2. Minnesota Statutes 1978, Section 160.27, Subdivision 5, is amended to read:

Subd. 5. **MISDEMEANORS.** Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

(1) Obstruct any highway or deposit snow or ice thereon;

(2) Plow or perform any other detrimental operation within the road right of way except in the preparation of the land for planting a perennial hay crop, and the harvesting of said crop;

(3) Erect a fence on the right of way of a trunk highway, county state-aid highway or county highway, except to erect a lane fence to the ends of a livestock pass;

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- (4) Dig any holes in any highway;
- (5) Remove any earth, gravel or rock from any highway;
- (6) Obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (7) Place or maintain any building or structure within the limits of any highway;
- (8) Place or maintain any advertisement within the limits of any highway;
- (9) Paint, print, place, or affix any advertisement or any object within the limits of any highway;
- (10) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (11) Remove, injure, displace, or destroy right of way markers, or reference or witness monuments, or markers placed to preserve section or quarter section corners;
- (12) Improperly place or fail to place warning signs and detour signs as provided by law;
- (13) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

Violations hereof shall be prosecuted by the county attorney of the county where the violations occur. Any person convicted of such violations shall be guilty of a misdemeanor.

Sec. 3. [161.115] TRUNK HIGHWAY SYSTEM; NEW ROUTES. Subdivision 1. There is added to the trunk highway system new routes described as follows:

Route No. 334. Beginning at a point on Route No. 116 at or near Inver Grove Heights; thence extending in a general northerly direction to a point on Route No. 102 at or near St. Paul.

Route No. 335. Beginning at a point on Route No. 7 near St. Peter; thence extending in a southerly direction to a point at or in the grounds of the St. Peter state hospital.

Subd. 2. The revisor of statutes is directed to assign numbers to the routes described in subdivision 1 and compile them in the next and subsequent editions of Minnesota Statutes.

Sec. 4. [161.115] TRUNK HIGHWAY SYSTEM; NEW ROUTES IN SUBSTITUTION OF EXISTING ROUTES. Subdivision 1. There is added to the trunk highway system new routes described as follows:

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Route No. 263. Beginning at a point in or adjacent to Ceylon; thence extending in a general northerly direction to a point on Route No. 391 westerly of Fairmont.

Route No. 264. Beginning at a point in or adjacent to Round Lake; thence extending in a general northerly direction to a point on Route No. 391 easterly of Worthington.

Route No. 278. Beginning at a point on Route No. 105 at or near the westerly limits of Minneapolis; thence extending in a generally easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.

Subd. 2. The routes established in subdivision 1 are substituted for trunk highway routes numbered 263, 264 and 278 as contained and described in Minnesota Statutes 1978, Section 161.115, and routes numbered 263, 264 and 278 as contained and described in said section are discontinued and removed from the trunk highway system.

Subd. 3. The revisor of statutes in compiling the next and subsequent editions of Minnesota Statutes shall substitute the routes established in subdivision 1 for the routes discontinued and removed from the trunk highway system in subdivision 2.

Sec. 5. TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 327. Route No. 327 described in Minnesota Statutes 1978, Section 161.115, is discontinued and removed from the trunk highway system. The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes shall delete Route No. 327.

Sec. 6. Minnesota Statutes 1978, Section 161.172, is amended to read:

161.172 MUNICIPALITIES TO CONSENT. Except for routes on the interstate system, no state trunk highway or any part thereof, located within the corporate limits of any municipality, shall be constructed or improved in the manner specified in this section without the consent of the governing body of such municipality, unless the procedures prescribed by sections 161.172 to 161.177 shall have been followed by the commissioner of transportation. The highway improvements requiring consent are limited to those improvements which alter access, increase or reduce highway traffic capacity or require acquisition of permanent rights-of-way. This section shall not limit the power of the commissioner to regulate traffic or install traffic control devices or other safety devices measures on trunk highways located within municipalities.

Nothing contained in this section shall be construed as in any way limiting the commissioner's discretion to determine the priority and programming of trunk highway construction.

Sec. 7. Minnesota Statutes 1978, Section 161.23, Subdivision 2, is amended to read:

Subd. 2. CONVEYANCE OF EXCESS. If the commissioner of transportation acquires real estate in excess of what is needed for trunk highway

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purposes as authorized in subdivision 1 ~~hereof~~, he shall, within one year after the completion of the construction, reconstruction, or improvement of the highway for which a portion of the real estate was needed and required, ~~notify the governor that such excess real estate may be sold. The governor, in behalf of the state, after such notification shall convey and quitclaim such the~~ excess real estate to the highest responsible bidder, after receipt of sealed bids following published notice of the sale for three successive weeks in a newspaper or trade journal of general circulation in the territory from which bids are likely to be received. The deed may contain restrictive clauses limiting the use of such real estate in the interests of safety and convenient public travel when the commissioner finds that ~~such the~~ restrictions are reasonably necessary.

Sec. 8. Minnesota Statutes 1978, Section 161.43, is amended to read:

161.43 RELINQUISHMENT OF HIGHWAY EASEMENTS. ~~The governor, in behalf of the state and upon recommendation of~~ The commissioner of transportation ~~may~~ relinquish and quitclaim to the fee owner or, if the fee owner refuses or cannot be located, to another agency or political subdivision of the state any easement or portion thereof owned but no longer needed by the state transportation department for trunk highway purposes, upon payment to the state transportation department of at least the amount of money paid for the acquisition thereof. Whenever less than the easement as originally acquired is to be relinquished and quitclaimed, the amount of moneys to be paid to the state transportation department shall not be a less proportion of the consideration paid therefor by the state transportation department than the portion to be relinquished and quitclaimed bears to the easement as originally acquired. In determining the amount to be paid upon reconveyance to the fee holder, the estimated amount of money paid by the state transportation department for any improvement acquired in the original easement and not included in the reconveyance, and the estimated amount of money paid by reason of damages to remaining portions of the tract, if any, not mitigated by the reconveyance, shall first be subtracted from the total consideration paid by the state transportation department for the original easement. Before any ~~such~~ easement may be relinquished and quitclaimed to another governmental agency or political subdivision of the state, the ~~governor~~ commissioner of transportation must first publish for three successive weeks in a newspaper of general circulation in the county in which the easement is located notice of his intent to so relinquish and quitclaim ~~such the~~ easement to another governmental agency or political subdivision of the state.

Sec. 9. Minnesota Statutes 1978, Section 161.433, Subdivision 1, is amended to read:

161.433 USE OF AIR SPACE ABOVE AND SUBSURFACE BELOW TRUNK HIGHWAYS. Subdivision 1. **LEASE OR PERMIT, CONDITIONS AND RESTRICTIONS.** The commissioner of transportation ~~with the written approval of the governor,~~ may lease or otherwise permit the use of the air space above and subsurface area below the surface of the right of way of any trunk highway, including the surface of the right of way above and below the air space or subsurface areas, where the land is owned in fee by the state for trunk highway

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purposes when ~~such~~ the use will not impair or interfere with the use and safety of the highway. The lease, permit, or other agreement may contain such restrictive clauses as the commissioner deems necessary in the interest of safety and convenience of public travel and other highway purposes. No lease, permit, or other agreement shall be for a period in excess of 99 years. Vehicular access to such air space, subsurface, or surface areas shall not be allowed directly from the highway where such access would violate the provisions of Title 23 of the United States Code, or would interfere in any way with the free flow of traffic on the highway. Any ~~such~~ lease, permit, or other agreement shall have the approval of the appropriate federal agency when required.

Sec. 10. Minnesota Statutes 1978, Section 161.44, Subdivision 1, is amended to read:

161.44 RELINQUISHMENT OF LANDS OWNED IN FEE. Subdivision 1. **CONVEYANCE.** ~~The governor, in behalf of the state and upon recommendation of The commissioner~~ may convey and quitclaim any lands, including any improvements thereon, owned in fee by the state for trunk highway purposes but no longer needed therefor. Notwithstanding any provisions in this section or in section 161.23 to the contrary, fee title to or an easement in all or part of ~~such~~ the lands and lands previously acquired in fee for trunk highways or acquired pursuant to Minnesota Statutes ~~1965,~~ section 161.23, in excess of what is needed for highway purposes may be conveyed and quitclaimed for public purposes to any political subdivision or agency of the state upon ~~such~~ the terms and conditions as may be agreed upon between the commissioner and the political subdivision or agency.

Sec. 11. Minnesota Statutes 1978, Section 161.51, is amended to read:

161.51 FEDERAL-STATE SAFETY ACCOUNT. There is established within the trunk highway fund a federal-state safety account. The commissioner of transportation may transfer the unobligated balance of any direct appropriation to the department of transportation for administrative operations, maintenance, highway development support, research and standards, state aid administration, or planning and programming, into this account if needed to advance state money for approved federal highway safety projects. The commissioner may receive money from state or local governmental agencies to be used for projects under the federal highway safety program. All federal reimbursements shall be deposited in the state treasury and are appropriated to the federal-state safety account to be available until ~~the end of the fiscal biennium during which they are received~~ expended.

Sec. 12. Minnesota Statutes 1978, Section 169.305, Subdivision 1, is amended to read:

169.305 CONTROLLED ACCESS REGULATIONS AND PENALTIES. Subdivision 1. (a) No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.

(b) When special crossovers between the main roadways of a controlled access highway are provided for emergency vehicles or maintenance equipment and such crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except an emergency vehicle or maintenance equipment, or construction equipment including contractor's and state owned equipment when operating within a marked construction zone, to use such crossover. Vehicles owned and operated by elderly and needy persons under contract with the commissioner of transportation pursuant to section 160.282 for maintenance services on highway rest stop and tourist centers outside the seven county metropolitan area as defined in section 473.122, may also use these crossovers while those persons are proceeding to or from work in the rest area or tourist center if authorized by the commissioner, and the vehicle carries on its roof a distinctive flag designed and issued by the commissioner. For the purposes of this clause "emergency vehicle" includes a wrecker if it is on the way to the location of an accident or a disabled vehicle.

(c) The commissioner of transportation may by order, and any public authority may by ordinance, with respect to any controlled access highway under their jurisdictions prohibit or regulate the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is found to be incompatible with the normal and safe flow of traffic.

(d) The commissioner of transportation or the public authority adopting any such prohibitory regulations shall erect and maintain official signs on the controlled access highway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Sec. 13. Minnesota Statutes 1978, Section 169.42, Subdivision 1, is amended to read:

169.42 LITTERING OR PLACING REFUSE UPON HIGHWAYS OR ADJACENT LANDS, PRIVATE PROPERTY, PARKS OR PUBLIC PLACE; DROPPING OBJECTS ON VEHICLES. Subdivision 1. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any snow, ice, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Sec. 14. Minnesota Statutes 1978, Section 505.03, Subdivision 2, is amended to read:

Subd. 2. Any ~~such~~ proposed preliminary plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations. Where any ~~such~~ preliminary plat includes land abutting upon an existing or established county or county state aid highway, it

shall first be submitted to the county engineer for his written comments and recommendations. Preliminary plats involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer. Plats shall be submitted for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation ~~or~~ and/or the county highway engineer shall submit ~~such~~ the written comments and recommendations to the city, town, or county within ~~45~~ 30 days after receipt by ~~him~~ them of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the ~~45~~ 30 day period has elapsed. A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing : (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area, if one has been prepared . Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. ~~No~~ A certificate or other evidence is shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles.

Sec. 15. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved April 11, 1980

CHAPTER 534—H.F.No. 1443

An act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071;

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