

CHAPTER 161

DEPARTMENT OF HIGHWAYS AND TRUNK HIGHWAY SYSTEM

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161.01 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.01 **DEFINITIONS.** For the purposes of this chapter the terms defined in section 160.02 shall have the same meaning.

[1959 c 500 art 2 s 1]

161.02 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.02 **DEPARTMENT CONTINUED.** The department of highways is continued under the supervision and control of the commissioner of highways who shall have and exercise the rights and powers and perform the duties prescribed by law.

[1959 c 500 art 2 s 2]

161.03 M.S. 1957 Subds. 1-20 [Repealed, 1959 c 500 art 6 s 13]

Subd. 21 [Renumbered 161.47, subdivision 1]

Subd. 22 [Repealed, 1959 c 500 art 6 s 13]

Subd. 23 [Renumbered 161.47, subd. 2]

Subd. 24-36 [Repealed, 1959 c 500 art 6 s 13]

161.03 **COMMISSIONER OF HIGHWAYS.** Subdivision 1. **Office created.** The office of commissioner of highways is created. He shall be appointed by the governor with the consent of the senate for a four-year term and until his successor is duly appointed and qualifies. During his term of office the commissioner shall be subject to removal by the governor only for malfeasance or nonfeasance in

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office, and shall be entitled to written notice of any such charges against him and allowed a reasonable opportunity to be heard thereon. Any vacancy in the office of commissioner shall be filled for the unexpired portion of the term.

Subd. 2. **Surety bond.** Before entering upon the duties of his office the commissioner shall give bond to the state of Minnesota to be approved by the governor and filed with the secretary of state in the sum of \$50,000 conditioned for the faithful performance of his duties. If a surety bond is given, the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of the commissioner in the performance of his official duties may maintain an action on the bond for the recovery of damages so sustained.

Subd. 3. **Official seal.** The commissioner shall have an official seal with which he shall authenticate his official acts. There shall be engraved on the margin thereof the words "Commissioner of Highways—State of Minnesota" and in the center thereof of the same device as is engraved on the great seal of the state.

Subd. 4. **Deputy commissioner.** The commissioner may appoint a deputy who shall serve in the classified service of the state. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when so authorized by the commissioner.

Subd. 5. **Confidential secretary.** The commissioner may appoint a confidential secretary who shall be in the unclassified service. He shall serve at the pleasure of the commissioner. His salary shall be fixed by the commissioner; provided that his salary shall not exceed \$9600 per annum.

Subd. 6. **Organization of department.** Subject to other applicable laws, the commissioner may organize the department and employ such assistants, officers, employees, and agents as he deems necessary to carry out the duties of his office and the functions of the department, provided that there shall be one assistant commissioner in the classified service who shall be a registered professional highway or civil engineer. He may delegate to such assistants, officers, employees, and agents any of his powers, duties, and responsibilities, subject however to his supervision and control and under such conditions as he may prescribe. He may provide in-service training for all employees of the department.

Subd. 7. **Salaries and expenses.** All salaries and expenses connected with the department of highways shall be paid from the trunk highway fund.

Subd. 8. **Office to be in city of St. Paul.** The commissioner shall maintain his office in the city of St. Paul.

[1959 c 500 art 2 s 3]

161.031 to 161.035 M.S. 1957 [Repealed, Ex1959 c 42 s 1]

161.04 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.04 TRUNK HIGHWAY FUND. Subdivision 1. **Composition.** The trunk highway fund shall consist of 62 percent of the net highway user tax distribution fund as provided in article XVI of the constitution; the proceeds of the sale of any bonds authorized by article XVI of the constitution; money received from the federal government as aid in the construction and maintenance of trunk highways; and any other money otherwise allotted, appropriated, or legislated therefor.

Subd. 2. **Investment of the trunk highway fund.** Upon the request of the commissioner, moneys in the trunk highway fund shall be invested by the state board of investment in those securities authorized for such purpose in chapter 11. All interest and profits from such investments shall be credited to the trunk highway fund. The state treasurer shall be the custodian of all securities purchased under the provisions of this section.

[1959 c 500 art 2 s 4; 1963 c 567 s 4; 1965 c 113 s 1; 1967 c 404 s 5]

161.05 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.05 TEMPORARY LOANS. Subdivision 1. **Loans from other public funds.** For the purpose of providing sufficient money in the trunk highway fund to meet the state's share of highway projects financed in part by federal funds, the state treasurer may borrow from other public funds a sum not exceeding in the aggregate the amount of federal aid allotted to the construction of trunk highways under project appropriation by the federal government. No fund shall be so impaired thereby that all proper demands thereon cannot be met.

Subd. 2. **Interest.** All such loans shall bear interest at the average rate that the state treasurer has realized from the investment of surplus cash.

Subd. 3. **Certificate.** Before the state treasurer shall make any such loan, the

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commissioner shall file with the state auditor and the state treasurer a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government.

Subd. 4. **Federal aid to be paid to state treasurer.** All funds received from federal aid allotted to the construction, reconstruction, or maintenance of trunk highways shall be paid to the state treasurer and credited to the trunk highway fund.

Subd. 5. **Repayment of moneys borrowed.** When there is sufficient money in the trunk highway fund, the state treasurer shall transfer therefrom to such other public fund the amount of the loan together with interest thereon.

[1959 c 500 art 2 s 5]

161.06 M.S. 1945 [Repealed, 1947 c 391 s 4]

161.06 CONTINGENT FUND. Subdivision 1. **Amount.** The state auditor and the state treasurer are authorized and directed to make available to the department of highways out of moneys in the state treasury appropriated for trunk highway purposes the sum of \$5,000, or such lesser amount as the commissioner may request, to be used by said department as a contingent fund, subject to such rules and regulations for its use as may be prescribed by the commissioner of administration.

Subd. 2. **Use.** The commissioner may use the moneys in the contingent fund for trunk highway purposes in facilitating and expediting the business of the department of highways, particularly in the handling of garnishments, emergency labor payrolls, expense accounts of employees and in departmental litigation, and all acts of the commissioner heretofore performed in the use of the fund are in all things recognized and confirmed.

[1959 c 500 art 2 s 6]

161.061 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.07 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.07 MANNER OF PAYMENTS. Subdivision 1. **Abstract for payment.** In all cases of payments to be made as herein authorized by the commissioner out of the trunk highway fund, the same shall be made in the following manner. The commissioner shall furnish verified abstracts of the same, prepared in triplicate, one of which shall be delivered to the state auditor, one to the state treasurer, and one to be retained by the commissioner of highways. The abstract shall contain the name, residence, and the amount due each claimant and designate the contract or purpose for which the payment is made.

Subd. 2. **Payment.** The copy of the abstracts delivered to the state auditor shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstracts. If there be sufficient money in the proper fund, the state auditor shall issue his warrant upon the state treasurer for the gross amount shown by such abstract. The state treasurer shall deliver checks to the several persons entitled thereto as shown by such abstracts, and he shall preserve in his office a record of each check and remittance showing the date of each issue, the name of the payee and any other facts tending to evidence its payment.

[1959 c 500 art 2 s 7]

161.08 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.08 BOOKS OF ACCOUNT. The commissioner shall keep accurate and complete books of account of such character as may be prescribed by the public examiner, the same to show in detail itemized receipts and disbursements of the trunk highway fund. The books of account shall show the following facts, among others:

(1) The expenses of maintaining the highway department, including the salaries and expenses of the individual members thereof;

(2) The amounts of money expended in each county of the state for the construction of trunk highways, and when, where, and upon what job or portion of road expended so that the cost per mile of such construction can be easily ascertained;

(3) Any other money expended by the state in connection with any roads other than trunk highways and when, where, and upon what portion of road so expended; and

(4) The amount of road equipment and materials purchased, and when, where, and from whom purchased, and the price paid for each item. The original in-

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voices shall form a part of the permanent files and records in the department of highways and be open to public inspection.

[1959 c 500 art 2 s 8; 1963 c 333 s 1]

161.081 HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS. Pursuant to article XVI, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) 70 percent to the trunk highway fund;
- (2) 21 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) 9 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

[1965 c 672 s 1]

161.082 COUNTY TURNBACK ACCOUNT, EXPENDITURE. Except as hereinafter provided, all money accruing to the county turnback account shall be expended in accordance with rules and regulations of the commissioner of highways in paying a county for the reconstruction and improvement of former trunk highways, or portions thereof, that have reverted to the county in accordance with law, and have become a part of the county state-aid highway system.

[1965 c 672 s 2; 1967 c 187 s 1]

161.083 MUNICIPAL TURNBACK ACCOUNT, EXPENDITURE. Except as hereinafter provided, all money accruing to the municipal turnback account shall be expended in accordance with rules and regulations of the commissioner of highways in paying a municipality having a population of 5,000 or more for the reconstruction and improvement of former trunk highways, or portions thereof, that have reverted to such municipality in accordance with law, and have become a part of the municipal state-aid street system.

[1965 c 672 s 3; 1967 c 187 s 2]

161.084 SURPLUS IN TURNBACK FUNDS. If at any time the commissioner determines that there are surplus funds in either the county or municipal turnback account that are not needed for the purposes specified herein, he shall notify the state auditor in writing of such determination, and such surplus funds, in the amount specified by the commissioner, shall be transferred to the county state-aid highway fund, or the municipal state-aid street fund, as the case may be, and apportioned as provided by law.

[1965 c 672 s 4]

161.085 APPROPRIATION. Monies in the county turnback account and the municipal turnback account are hereby appropriated annually to the commissioner of highways for the purposes of carrying out the terms of sections 161.081 to 161.086.

[1965 c 672 s 5]

161.086 FEDERAL AID, ALLOCATION. Subject to applicable federal laws and rules and regulations, the commissioner of highways is directed to allocate the federal aid secondary funds apportioned to the state of Minnesota by the United States of America in the following manner:

- (1) 35 percent of such funds for expenditure on the state federal aid secondary system;
- (2) 65 percent of such funds for expenditure on the county federal aid secondary system.

[1965 c 672 s 6]

161.09 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.09 ORDERS, FILES AND RECORDS. Subdivision 1. **Commissioner to be custodian.** The official acts and determinations of the commissioner shall be denominated orders. The commissioner shall be the custodian of and shall preserve such orders and the records and files of the highway department. Subject to reasonable regulations, the orders, records, and files shall be open to public inspection.

Subd. 2. **Copies as evidence.** Copies of the orders, records, and files, certified by the commissioner as true copies, shall be received in evidence in any court in this state with the same force and effect as the originals.

[1959 c 500 art 2 s 9]

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161.10 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.10 INVESTIGATIONS; RECOMMENDATIONS; REPORTS. When practicable the commissioner shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, investigate the most approved laws in relation to roads in other states and hold public meetings throughout the state when deemed advisable. On or before October 1 on each even-numbered year he shall make a printed report to the governor stating the condition, management, and financial transactions of his department, including a statement of the expense incurred in maintaining such department; the number of miles of roads built or improved during the preceding two fiscal years and their cost; the general character and location of material suitable for road construction; the general character and needs of the roads of the state; and recommend such legislation as he deems advisable. The report shall be transmitted by the governor to the legislature.

[1959 c 500 art 2 s 10]

161.11 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.11 COMPENSATION INSURANCE IN CERTAIN CASES. Subdivision 1. **Commissioner may procure insurance on open market.** The commissioner may procure on the open market a policy of insurance covering the payment of benefits accruing under the Workmen's Compensation Act to employees of the department of highways engaged in work on highways other than trunk highways pursuant to any agreements made for such work by the commissioner with any political subdivision or agency of the state.

Subd. 2. **Payment of premium and reimbursement.** The commissioner may pay the premiums for any said policy of insurance out of the trunk highway fund. The political subdivision or agency of the state for whom work is performed by employees of the department of highways pursuant to any agreement therefor made with the commissioner shall pay to the trunk highway fund that portion of the premium for said policy of insurance directly attributable to the work performed for it.

[1959 c 500 art 2 s 11]

161.115 ADDITIONAL TRUNK HIGHWAYS. The following routes hereby and heretofore added to the trunk highway system by the legislature under the provisions of Article XVI, of the Constitution adopted November 2, 1920, and as the same are herein amended, are hereby confirmed:

Route No. 71. Beginning at a point on Route No. 27 in Little Falls, thence extending in a northeasterly direction to a point on Route No. 1, at or near Moose Lake; affording Little Falls, Onamia, Isle, McGrath, and Moose Lake a reasonable means of communication each with the other and other places within the state.

Route No. 72. Beginning at a point on Route No. 4, northeasterly of Bemidji and thence extending in a northerly direction to a point on Route No. 11, easterly of Baudette; affording Bemidji, Waskish, Baudette, and intervening and adjacent communities, a reasonable means of communication each with the other and other places within the state.

Route No. 73. Beginning at a point on Route No. 20, at or near Zumbrota, thence extending in an easterly direction to a point on Route No. 3; affording Zumbrota, Mazeppa, Zumbro Falls, and Wabasha a reasonable means of communication each with the other and other places within the state.

Route No. 74. Beginning at a point on Route No. 3, at or near Weaver, thence extending in a southwesterly direction to a point on Route No. 9, at or near Spring Valley; affording Weaver, St. Charles, Chatfield, and Spring Valley a reasonable means of communication each with the other and other places within the state.

Route No. 75. Beginning at a point on Route No. 3 in Winona, thence extending in a northeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 76. Beginning at a point on Route No. 43, at or near Wilson, thence extending in a southeasterly direction to a point on the line between the states of Minnesota and Iowa; affording Wilson, Houston, and Caledonia a reasonable means of communication each with the other and other places within the state.

Route No. 77. Beginning at a point on Route No. 43 at or near Rushford, thence extending in a westerly direction to a point on Route No. 56 at or near Hayfield; affording Rushford, Chatfield, Stewartville, and Hayfield a reasonable means of communication each with the other and other places within the state.

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Route No. 78. Beginning at a point on Route No. 9 at or near Rushford, thence extending in a southerly direction to a point on Route No. 44 at or near Mabel.

Route No. 79. Beginning at a point on Route No. 20 at or near Harmony, thence extending in a southerly direction to the line between the states of Minnesota and Iowa.

Route No. 80. Beginning at a point on Route No. 9 southerly of Wykoff, thence extending in an easterly direction to a point on Route No. 20 at or near Preston.

Route No. 81. Beginning at a point on Route No. 9 easterly of Austin, thence extending in a southeasterly direction to a point on Route No. 59 easterly of LeRoy.

Route No. 82. Beginning at a point on Route No. 40 at or near Blooming Prairie, thence extending in a westerly direction to a point on Route No. 15; affording Blooming Prairie, Ellendale, Mapleton, and St. James a reasonable means of communication each with the other and other places within the state.

Route No. 83. Beginning at a point on Route No. 5 westerly of Mankato, thence extending in a northwesterly direction to a point on Route No. 15 southerly of New Ulm.

Route No. 84. Beginning at a point on Route No. 7 at or near Sleepy Eye, thence extending in a southerly direction to the line between the states of Minnesota and Iowa; affording Sleepy Eye, St. James, and Sherburne a reasonable means of communication each with the other and other places within the state.

Route No. 85. Beginning at a point on Route No. 16 at or near Windom, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa at or near Bigelow; affording Windom, Worthington, and Bigelow a reasonable means of communication each with the other and other places within the state.

Route No. 86. Beginning at a point on the line between the states of Minnesota and Iowa southerly of Lakefield, thence extending northerly through Lakefield to a point on Route No. 85 as herein established westerly of Windom.

Route No. 87. Beginning at a point on Route No. 9 southerly of Wells, thence extending in a southerly direction through Kiester to a point on the line between the states of Minnesota and Iowa.

Route No. 88. Beginning at a point on the line between the states of Minnesota and South Dakota, and on Route No. 9, thence extending in a northeasterly direction to a point on Route No. 12 at or near Montevideo; affording Jasper, Pipestone, Marshall, and Montevideo a reasonable means of communication each with the other and other places within the state.

Route No. 89. Beginning at a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 90. Beginning at a point on Route No. 6 at or near Ivanhoe, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 91. Beginning at a point on the line between the states of Minnesota and Iowa southerly of Adrian, thence extending in a northerly direction to a point on Route No. 88 as herein established at or near Russell; affording Adrian, Lake Wilson, and Russell a reasonable means of communication each with the other and other places within the state.

Route No. 92. Beginning at a point on Route No. 17 westerly of Currie, thence extending in an easterly direction to a point on Route No. 84; affording Currie and Jeffers a reasonable means of communication each with the other and other places within the state.

Route No. 93. Beginning at a point on Route No. 4 at or near Redwood Falls, thence extending in a southeasterly direction to a point on Route No. 70 at or near Sleepy Eye.

Route No. 94. Beginning at a point on Route No. 3, northerly of Hastings, thence extending in a southeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 95. Beginning at a point on Route No. 94 as herein established at or near Point Douglas, thence extending in a northerly direction through Bayport and Stillwater to a point on Route No. 46 at or near Taylors Falls.

Route No. 96. Beginning at a point on Route No. 95 as herein established at or near Stillwater, thence extending in a westerly direction to a point on Route No. 63 at or near New Brighton.

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Route No. 97. Beginning at a point on Route No. 1 at or near Forest Lake, thence extending in an easterly direction to a point on Route No. 95 as herein established.

Route No. 98. Beginning at a point on Route No. 390 westerly of Forest Lake, thence extending in a northeasterly direction to a point on Route No. 1 at or near the junction of Route No. 1 and Route No. 98, thence extending in a northeasterly direction to a point on Route No. 46.

Route No. 99. Beginning at a point on Route No. 21 east of Le Center, thence extending in an easterly direction to a point on Route No. 21 near General Shields Lake.

Route No. 100. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in an easterly direction to a point on Route No. 3 westerly of Red Wing; affording Gaylord, Henderson, New Prague, Northfield, Cannon Falls and Red Wing a reasonable means of communication each with the other and other places within the state.

Route No. 101. Beginning at a point on Route No. 1 at or near Faribault, thence extending in a northerly direction to a point on Route No. 50.

Route No. 102. Beginning at the terminus of Route No. 1 on the southerly limits of the city of St. Paul, thence extending in a northerly direction through the city of St. Paul to the point of beginning of Route No. 1 on the northerly limits of the city of St. Paul.

Route No. 103. Beginning at the terminus of Route No. 1 on the westerly limits of the city of Duluth, thence extending in a northeasterly direction to the point of beginning of Route No. 1 on the northerly limits of the city of Duluth.

Route No. 104. Beginning at the terminus of Route No. 3 on the easterly limits of the city of St. Paul, thence extending in a northwesterly direction through the cities of St. Paul and Minneapolis to the point of beginning of Route No. 3 on the westerly limits of the city of Minneapolis.

Route No. 105. Beginning at a point on the southerly limits of the city of Minneapolis, thence extending in a northeasterly direction through Minneapolis to a point at the beginning of Route No. 5 on the northerly limits of the city of Minneapolis.

Route No. 106. Beginning at a point on Route No. 8 in the westerly limits of the city of Duluth, thence extending in a southeasterly direction through Duluth to a point at the water's edge of St. Louis Bay and there terminating.

Route No. 107. Beginning at the terminus of Route No. 10 on the westerly limits of the city of Minneapolis, thence extending in an easterly direction to a point on Route No. 104 as herein established.

Route No. 108. Beginning at the terminus of Route No. 12 on the easterly limits of the city of St. Paul, thence extending in a westerly direction through the cities of St. Paul and Minneapolis to a point on the westerly limits of the city of Minneapolis, connecting with Route No. 12.

Route No. 109. Beginning at the terminus of Route No. 45 on the easterly limits of the city of St. Paul, thence extending into St. Paul in a southwesterly direction to connect with Route No. 102 as herein established.

Route No. 110. Beginning at the terminus of Route No. 50 on the southerly limits of the city of Minneapolis, thence extending through Minneapolis and northerly to a point on Route No. 2 at or near Aitkin; affording Minneapolis, Anoka, Ogilvie, Isle, and Aitkin a reasonable means of communication each with the other and other places within the state.

Route No. 111. Beginning at the terminus of Route No. 52 on the westerly limits of the United States Military Reservation at Fort Snelling, thence extending in a northeasterly direction through the military reservation into the city of St. Paul to connect with Route No. 102 as herein established.

Route No. 112. Beginning at the terminus of Route No. 53 on the southerly limits of the city of South St. Paul, thence extending through South St. Paul into the city of St. Paul to connect with Route No. 102 as herein established.

Route No. 113. Beginning at a point on the northerly limits of the city of St. Paul, thence extending in a southeasterly direction into St. Paul to connect with Route No. 104 as herein established.

Route No. 114. Beginning at the terminus of Route No. 63 on the northerly and easterly limits of the city of Minneapolis, thence extending into Minneapolis in a southwesterly direction to connect with Route No. 105 as herein established.

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Route No. 115. Beginning at a point on Route No. 112 as herein established in St. Paul thence extending in a southerly direction to a point on Route No. 1 southerly of Wescott.

Route No. 116. Beginning at a point on Route No. 104 as herein established in the city of Minneapolis, thence extending in a southeasterly direction to a point on Route No. 53, thence extending in a southerly direction to a point on Route No. 21 at or near Kenyon; affording Minneapolis, Mendota, Hampton, and Kenyon a reasonable means of communication each with the other and other places within the state.

Route No. 117. Beginning at a point on Route No. 100 as herein established easterly of New Prague, thence extending in a northeasterly direction and crossing the Mississippi River easterly of the city of South St. Paul, thence extending in a northerly direction to a point on Route No. 1 at or near White Bear.

Route No. 118. Beginning at a point on Route No. 45 southwesterly of Stillwater, thence extending in a westerly direction to a point on Route No. 105 as herein established in Minneapolis.

Route No. 119. Beginning at a point on Route No. 49 at or near Clara City, thence extending in an easterly direction to a point on Route No. 12 at or near Excelsior; affording Clara City, Hutchinson, and Excelsior a reasonable means of communication each with the other and other places within the state.

Route No. 120. Route No. 120 is hereby discontinued and abolished.

Route No. 121. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in a northeasterly direction to a point on Route No. 5; affording Gaylord, Norwood, and Victoria a reasonable means of communication each with the other and other places within the state.

Route No. 122. Beginning at a point on Route No. 5 in Mankato, thence extending in a northwesterly direction through Nicollet to a point on Route No. 22, southerly of Gaylord.

Route No. 123. Beginning at a point on Route No. 5 at or near Le Sueur, thence extending in a southeasterly direction to a point on Route No. 21.

Route No. 124. Beginning at a point on Route No. 39 at or near Wells, thence extending in a southeasterly direction to a point on Route No. 391 at or near Alden.

Route No. 125. Beginning at a point on Route No. 111 as herein established north of the Mississippi River, thence extending in a northerly direction to a point on Route No. 63.

Route No. 126. Beginning at a point on Route No. 104 as herein established in St. Paul at or near Rice Street, thence extending in a northerly direction to a point on Route No. 63.

Route No. 127. Beginning at a point on Route No. 1 in the southwesterly portion of White Bear, thence extending in a northeasterly direction to a point on Route No. 1 near Bald Eagle Junction, this route to be a substitute for the present location of Route No. 1 between these points.

Route No. 128. Beginning at the present terminus of Route No. 57 in Mantorville, thence extending in a northerly direction through Wanamingo to a point on Route No. 20.

Route No. 129. Beginning at a point on Route No. 3 at or near St. Cloud, thence extending in a southeasterly direction to a point on Route No. 110 as herein established at or near the present intersection of Lyndale Avenue and Washington Avenue in Minneapolis; affording St. Cloud, Clearwater, and Monticello a reasonable means of communication each with the other and other places within the state.

Route No. 130. Beginning at a point on Route No. 3 northwesterly of Minneapolis, thence extending in a southerly direction to a point on Route No. 52.

Route No. 131. Beginning at a point on Route No. 37 at or near Randall, thence extending in an easterly direction to a point on Route No. 27.

Route No. 132. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in an easterly direction to a point on Route No. 46 at Taylors Falls; affording St. Cloud, Princeton, Cambridge, and Taylors Falls a reasonable means of communication each with the other and other places within the state.

Route No. 133. Beginning at a point on Route No. 5 northerly of Braham, thence extending in an easterly direction to a point on the line between the states of Minnesota and Wisconsin.

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Route No. 134. Beginning at a point on Route No. 5 southerly of Graston, thence extending in a northerly direction to a point on Route No. 25.

Route No. 135. Beginning at a point on Route No. 28 westerly of Little Falls, thence extending in a westerly and southwesterly direction to a point on Route No. 3 at Osakis, thence extending in a general southerly direction to a point on Route No. 392; affording Little Falls, Long Prairie, and Osakis a reasonable means of communication each with the other and other places within the state.

Route No. 136. Beginning at a point on Route No. 8 northwesterly of Bemidji, thence extending in a northwesterly direction to a point on Route No. 11 at or near Roseau.

Route No. 137. Beginning at a point on Route No. 18 northwesterly of Garrison, thence extending in a northerly direction to a point on Route No. 34 at or near Remer; affording Garrison, Deerwood, Crosby, and Remer a reasonable means of communication each with the other and other places within the state.

Route No. 138. Beginning at a point on Route No. 19 northerly of Walker, thence extending in a northwesterly direction to a point on Route No. 4.

Route No. 139. Beginning at a point on Route No. 19 at or near Pine River, thence extending in a northeasterly direction to a point on Route No. 34.

Route No. 140. Beginning at a point on Route No. 11 at or near Baudette, thence extending in a northerly direction to Lake of the Woods.

Route No. 141. Beginning at a point on Route No. 28 at or near Sauk Centre, thence extending in a southerly direction to a point on Route No. 4.

Route No. 142. Beginning at a point on Route No. 4 at or near Paynesville, thence extending in a northwesterly direction to a point on the line between the states of Minnesota and North Dakota; affording Paynesville, Glenwood, and Elbow Lake a reasonable means of communication each with the other and other places within the state.

Route No. 143. Beginning at a point on Route No. 10 westerly of Pennock, thence extending in a northerly direction to a point at or near Terrace; thence continuing in a northerly direction to a point on Route No. 142 as herein established.

Route No. 144. Beginning at a point on Route No. 6 at or near Madison, thence extending in a northeasterly and northerly direction to a point on Route No. 142 as herein established at or near Barrett; affording Madison, Appleton, Morris, and Barrett a reasonable means of communication each with the other and other places within the state.

Route No. 145. Beginning at a point on Route No. 10 at or near Willmar, thence extending in a westerly direction to a point on Route No. 144 as herein established.

Route No. 146. Beginning at a point on Route No. 49, thence extending in a southerly direction through Maynard to a point on Route No. 12.

Route No. 147. Beginning at a point on Route No. 66 at or near Appleton, thence extending in a northwesterly direction to a point on Route No. 6.

Route No. 148. Beginning at a point on Route No. 6 at or near Ortonville, thence extending in a northwesterly direction to a point on Route No. 28.

Route No. 149. Beginning at a point on Route No. 148 as herein established at Ortonville, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 150. Beginning at a point on Route No. 12 at or near Hector, thence extending in a northerly direction to a point on Route No. 4 at or near Paynesville; affording Hector, Grove City, and Paynesville a reasonable means of communication each with the other and other places within the state.

Route No. 151. Beginning at a point on Route No. 24 southerly of Kimball, thence extending in a southerly direction to a point on Route No. 14 at or near Winthrop; affording Kimball, Hutchinson, and Winthrop a reasonable means of communication each with the other and other places within the state.

Route No. 152. Beginning at a point on Route No. 10 at or near Herman, thence extending in a northwesterly direction to a point on Route No. 3 southerly of Breckenridge.

Route No. 153. Beginning at a point on Route No. 3 at or near Evansville, thence extending in a northwesterly direction to a point on Route No. 6 southerly of Fergus Falls.

Route No. 154. Beginning at a point on Route No. 6 at or near Canby, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

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Route No. 155. Beginning at a point on Route No. 12 southerly of Madison, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 156. Beginning at a point on Route No. 104 as herein established in the city of Minneapolis at the easterly end of Washington Avenue, thence extending in a northwesterly and northerly direction to a point on Route No. 62 easterly of the Great Northern Railway.

Route No. 157. Beginning at a point on Route No. 35 on the north side of Mille Lacs Lake, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 158. Beginning at a point on Route No. 11 at International Falls, thence extending in an easterly direction to Black Bay.

Route No. 159. Beginning at a point on Route No. 5 at or near Swan River, thence extending in a northerly direction to a point on Route No. 4 at or near Little Fork; affording Swan River, Nashwauk, and Little Fork a reasonable means of communication each with the other and other places within the state.

Route No. 160. Beginning at a point on Route No. 35 at or near Tower, thence extending in a westerly direction to a point on Route No. 136 as herein established southerly of Red Lake.

Route No. 161. Beginning at a point on Route No. 58 in Red Wing, thence extending in a northerly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 162. Beginning at a point on Route No. 34 at or near Remer, thence extending in an easterly direction to a point on Route No. 8.

Route No. 163. Beginning at a point on Route No. 1 at or near Moose Lake, thence extending in a northerly direction to a point on Route No. 11 southerly of Orr; affording Moose Lake, Cromwell, Floodwood, Hibbing, Chisholm, and Orr a reasonable means of communication each with the other and other places within the state.

Route No. 164. Beginning at a point on Route No. 1, thence extending in a northerly direction through Cloquet to a point on Route No. 11.

Route No. 165. Beginning at a point on Route No. 8 westerly of Deer River, thence extending in a northwesterly direction to a point on Route No. 4.

Route No. 166. Beginning at a point on Route No. 35 at Ely, thence extending in a southeasterly direction to a point on Route No. 1.

Route No. 167. Beginning at a point on Route No. 11 northerly of Virginia, thence extending in a northeasterly direction to a point on Route No. 160 as herein established westerly of Tower.

Route No. 168. Beginning at a point on Route No. 4 near Itasca State Park, thence in a northwesterly direction to a point on Route No. 31 at Mahnomen.

Route No. 169. Beginning at a point on Route No. 8 at or near Bagley, thence extending in a southerly direction to a point on Route No. 168 as herein established.

Route No. 170. Beginning at a point on Route No. 32 at or near Thief River Falls, thence extending in an easterly direction to a point on Route No. 136 as herein established.

Route No. 171. Beginning at a point on Route No. 6 near St. Vincent, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 172. Beginning at a point on Route No. 6 at or near Donaldson, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 173. Beginning at a point on Route No. 6 at or near Warren, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 174. Beginning at a point on Route No. 8 at or near Erskine, thence extending in a northwesterly direction to a point on the boundary line between United States and Canada northerly of Lancaster.

Any portion of Route No. 174 northerly or westerly of Lancaster heretofore established as a trunk highway shall continue as a trunk highway until the commissioner of highways shall pursuant to the authority in this act contained definitely locate Route No. 174 hereunder northerly of Lancaster. Upon the final and definite location of Route No. 174 hereunder northerly of Lancaster then any portion of Route No. 174 northerly or westerly of Lancaster heretofore established as a part of Route No. 174 and not included in any new designation hereunder shall revert

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to the county or subdivision thereof originally charged with the care thereof but where such road or any portion thereof so ceasing to be a trunk highway had its origin as a state trunk highway it shall become a county road unless the same lies within the corporate limits of any village, borough, or city in which event it shall become a street of such village, borough or city.

Route No. 175. Beginning at a point on Route No. 8 at or near Crookston, thence extending in a southerly direction to a point on Route No. 6 northerly of Hendrum.

Route No. 176. Beginning at a point on Route No. 175 as herein established at or near Halstad, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 177. Beginning at a point on Route No. 32 southerly of Red Lake Falls, thence extending in a southerly direction to a point on Route No. 182.

Route No. 178. Beginning at a point on Route No. 6 near Crookston, thence extending in a southeasterly direction to a point on Route No. 177 as herein established at or near Fertile.

Route No. 179. Beginning at a point on Route No. 6 at or near Ada, thence extending in a southerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 180. Beginning at a point on Route No. 392 southwest or west of Ashby, thence extending in a general northerly or northeasterly direction to a point on Route No. 153 as herein established at or near Ashby, thence extending in a northeasterly direction to a point on Route No. 181 as herein established at or near Otter Tail.

Route No. 181. Beginning at a point on Route No. 36 at or near Henning, thence extending in a northwesterly direction to a point on Route No. 2 at or near Perham.

Route No. 182. Beginning at a point on Route No. 30 at or near Lake Lizzie, thence extending in a westerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 183. Beginning at a point on Route No. 36 east of Henning, thence extending in an easterly direction to a point on Route No. 2 at or near Staples.

Route No. 184. Beginning at a point on Route No. 29 at or near Deer Creek, thence extending in a northerly direction to a point on Route No. 2.

Route No. 185. Beginning at a point on Route No. 1 at Sandstone, thence extending in a northeasterly direction to a point on Route No. 103 as herein established in Duluth.

Route No. 186. Beginning at a point on Route No. 110 as herein established, thence extending in an easterly direction to a point on Route No. 185 as herein established at or near Askov; affording Isle, Finlayson, and Askov, a reasonable means of communication each with the other and other places within the state.

Route No. 187. Beginning at a point on Route No. 18 at or near Elk River, thence extending in a southerly direction to a point on Route No. 117 as herein established.

Route No. 188. Beginning at a point on Route No. 69 at Buffalo, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 189. Beginning at a point on Route No. 5 southerly of Mora, thence extending in a southerly direction to a point on Route No. 132 as herein established.

Route No. 190. Beginning at a point on Route No. 6 at or near Wheaton, thence extending in a southwesterly direction to a point on Route No. 28 at or near Browns Valley.

Route No. 191. Beginning at a point on Route No. 190 as herein established southwesterly of Wheaton, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 192. Beginning at a point on Route No. 1 at or near Hinckley, thence extending in an easterly direction to the line between the states of Minnesota and Wisconsin.

Route No. 193. Beginning at a point on Route No. 2 at or near Motley, thence extending in a northerly direction to a point on Route No. 34 westerly of Walker.

Route No. 194. Beginning at a point on Route No. 117 as herein established at or near Mendota, thence extending in a northeasterly direction to a point on Route No. 102 as herein established.

Route No. 195. Beginning at a point on Route No. 1 at or near Albert Lea, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa.

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Route No. 196. Beginning at a point on Route No. 8 at or near Grand Rapids, thence extending in a northerly direction to a point on Route No. 160 as herein established; affording Grand Rapids and Big Fork a reasonable means of communication each with the other and other places within the state.

Route No. 197. Beginning at a point on Route No. 4 southerly of Park Rapids, thence extending in an easterly direction to a point on Route No. 139 as herein established easterly of Backus.

Route No. 198. Beginning at a point on Route No. 9 at or near LaCrescent, thence extending in a southerly direction to a point on the line between the states of Minnesota and Iowa.

Route No. 199. Beginning at a point on Route No. 9 at or near Austin, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa.

Route No. 200. Beginning at a point on Route No. 4 at or near Itasca State Park, thence extending in a westerly direction to a point on Route No. 30 at or near Waubun.

Route No. 201. Beginning at a point on Route No. 82, as herein established, near Waldorf, thence extending in a northwesterly direction to a point on Route No. 39 at or near Mankato.

Route No. 202. Beginning at a point on Route No. 11 at or near Eveleth, thence extending in a northeasterly direction to a point on Route No. 35 at Gilbert.

Route No. 203. Beginning at a point on Route No. 11 westerly of Duluth, thence extending in a southeasterly direction through Proctor and Duluth to the water's edge of St. Louis Bay, and there terminating.

Route No. 204. Beginning at a point on Route No. 11, westerly of Duluth, thence extending in a southeasterly direction to a point on Route No. 103, as herein established in Duluth.

Route No. 205. Beginning at a point on Route No. 54, easterly of Herman, thence extending in an easterly direction to a point on Route No. 29, at or near Alexandria.

Route No. 206. Beginning at a point on Route No. 30, at or near Pelican Rapids, thence extending in an easterly direction to a point on Route No. 181, as herein established, southerly of Perham.

Route No. 207. Beginning at a point on Route No. 2, at or near Frazee, thence extending in an easterly direction to a point on Route No. 4 at or near Menahga.

Route No. 208. Beginning at a point on Route No. 28 at or near Starbuck, thence extending in a northerly direction to a point on Route No. 3 at or near Garfield.

Route No. 209. Beginning at a point on Route No. 3 at or near Becker, thence extending in a northerly direction to a point on Route No. 18, at or near Brainerd; affording Becker, Foley, Gilman, Pierz and Brainerd, a reasonable means of communication each with the other and other places within the state.

Route No. 210. Beginning at a point on Route No. 10 at or near Benson, thence extending in an easterly direction to a point on Route No. 4 at or near New London.

Route No. 211. Beginning at a point on Route No. 64 at or near Barnesville, thence extending in a southwesterly direction to a point on Route No. 3 at or near Breckenridge.

Route No. 212. Beginning at a point on Route No. 3 at or near Robbinsdale, thence extending in a northeasterly and easterly direction to a point on Route No. 62 easterly of New Brighton, affording necessary and reasonable means of communication to industrial areas engaged in the manufacture of essential war materials, and bringing into the Trunk Highway System an important route a portion of which has been heretofore improved with federal aid, and all of which has been approved for surveys and plans with federal funds by the Public Roads Administration.

Route No. 213. Beginning at a point on Route No. 185 in Duluth, thence extending in an easterly direction to a point on the line between the State of Minnesota and Wisconsin.

Route No. 214. Beginning at a point on Constitutional Route No. 3, now known as Trunk Highway No. 61 in the City of Wabasha, Minnesota, thence northerly to a point on the line between the states of Minnesota and Wisconsin.

Route No. 215. Beginning at a point on Route No. 1, at or near Carlton; thence extending in an easterly direction to a point on Route No. 185.

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Route No. 216. Beginning at a point on Route No. 35, at or near Hibbing; thence extending in an easterly direction to a point on Route No. 11 southerly of Eveleth.

Route No. 217. Beginning at a point on Route No. 159, at or near Littlefork; thence extending in an easterly direction to a point on Route No. 11.

Route No. 218. Beginning at a point on Route No. 11, westerly of Roseau; thence extending in a westerly direction thence in a general northerly direction to reach the international boundary near Pinecreek.

Route No. 219. Beginning at a point on Route No. 170 easterly of Thief River Falls; thence extending in a general northerly direction to a point on Route No. 136 westerly of Grygla.

Route No. 220. Beginning at a point on Route No. 175 at or near Climax; thence extending in a general northwesterly direction to a point on Route No. 8 at or near East Grand Forks; thence continuing in a general northerly direction to a point on Route No. 173 westerly of Warren; thence continuing in a general northerly direction to a point on Route No. 172 westerly of Donaldson.

Route No. 221. Beginning at a point on Route No. 166 in Ely; thence extending in a general northeasterly direction to a point north of the center of Section 20, Township 63 North, Range 11 West.

Route No. 222. Beginning at a point in or adjacent to Oklee; thence extending in a general southerly direction to a point on Route No. 65.

Route No. 223. Beginning at a point in or adjacent to Leonard; thence extending in a westerly direction to a point on Route No. 65.

Route No. 224. Beginning at a point in Section 23, Township 142 North, Range 41 West; thence extending in a general westerly direction to a point on Route No. 30.

Route No. 225. Beginning at a point in Section 5, Township 140 North, Range 37 West; thence extending in a general southerly direction to a point on Route No. 34.

Route No. 226. Beginning at a point in Section 10, Township 140 North, Range 34 West; thence extending in a general southerly direction to a point on Route No. 34.

Route No. 227. Beginning at a point in or adjacent to Nimrod; thence extending in a westerly direction to a point on Route No. 4.

Route No. 228. Beginning at a point in or adjacent to Vergas; thence extending in a general easterly direction to a point on Route No. 2.

Route No. 229. Beginning at a point on Route No. 64 southerly of Barnesville; thence extending in a general easterly direction to a point on Route No. 30, at or near Pelican Rapids.

Route No. 230. Beginning at a point on Route No. 6, at or near Moorhead; thence extending in a general westerly direction to a point on the boundary between the states of Minnesota and North Dakota.

Route No. 231. Beginning at a point at the boundary between the states of Minnesota and North Dakota on First Avenue South in Moorhead; thence extending in a general easterly direction to a point on Route No. 64 south of Route No. 2.

Route No. 232. Beginning at a point in or adjacent to Pallsade; thence extending in a general easterly direction to a point on Route No. 5.

Route No. 233. Beginning at a point in Section 35, Township 135 North, Range 26 West; thence extending in a general southerly direction to a point on Route No. 18 at or near Brainerd.

Route No. 234. Beginning at a point on Route No. 138 westerly of Laporte; thence extending in a general southerly direction to a point on Route No. 34, at or near Akely.

Route No. 235. Beginning at a point in or adjacent to Urbank; thence extending in a general easterly direction to a point on Route No. 29.

Route No. 236. Beginning at a point on the boundary between the states of Minnesota and South Dakota at the White Rock Highway Dam; thence extending in a general easterly direction to a point on Route No. 6.

Route No. 237. Beginning at a point in or adjacent to New Munich; thence extending in a general northerly direction to a point on Route No. 3.

Route No. 238. Beginning at a point on Route No. 3 westerly of Albany; thence extending in a general northerly direction to a point at or near Upsala; thence continuing in a northerly direction to a point on Route No. 28 westerly of Little Falls.

Route No. 239. Beginning at a point on Route No. 27, at or near Sauk Rapids;

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thence extending in a general southwesterly direction crossing the Mississippi River; thence continuing in a general southerly direction to a point on Route No. 3 at or near St. Cloud.

Route No. 240. Beginning at a point on Route No. 69, at or near Annandale; thence extending in a general northerly direction to a point on Route No. 129, at or near Clearwater; thence continuing in a general northerly direction to a point on Route No. 3.

Route No. 241. Beginning at a point in or adjacent to St. Michael; thence extending in a general easterly direction to a point on Route No. 129.

Route No. 242. Beginning at a point on Route No. 3 at or near Anoka, thence extending in a general easterly direction to a point on Route No. 5.

Route No. 243. Beginning at a point on Route No. 95 southerly of Route No. 46; thence extending in a general southeasterly direction to a point on the boundary between the states of Minnesota and Wisconsin.

Route No. 244. Beginning at a point on Route No. 1 southerly of White Bear Lake; thence extending in a general easterly and northerly direction to a point at or near Mahtomedi; thence continuing in a general northerly direction to a point on Route No. 96.

Route No. 245. Beginning at a point at or near the junction of Route No. 3 and Route No. 20; thence extending in a general westerly direction to a point on Route No. 50.

Route No. 246. Beginning at a point in or adjacent to Nerstrand; thence extending in a general northerly direction to a point westerly of Dennison; thence continuing in a general northwesterly direction to a point on Route No. 1 at or near Northfield.

Route No. 247. Beginning at a point on Route No. 59 southerly of Zumbro Falls; thence extending in a general easterly direction to a point on Route No. 42 at or near Plainview.

Route No. 248. Beginning at a point in or adjacent to Altura; thence extending in a general easterly direction to a point in or adjacent to Rollingstone; thence continuing in a general easterly direction to a point on Route No. 3.

Route No. 249. Beginning at a point on Route No. 44, at or near Caledonia; thence extending in a general easterly direction to a point on Route No. 198.

Route No. 250. Beginning at a point on Route No. 9, at or near Lanesboro; thence extending in a general northerly direction to a point on Route No. 77.

Route No. 251. Beginning at a point on Route No. 1, at or near Clarks Grove; thence extending in a general easterly direction to a point on Route No. 40.

Route No. 252. Beginning at a point on Route No. 9 westerly of Austin; thence extending northeasterly to a point on Route No. 40 northerly of the south line of Section 34, Township 103 North, Range 18 West, Mower County, Minnesota; thence extending southeasterly to a point on Route No. 9 in or near Austin; thence extending easterly along Route No. 9 to a point in or near Austin and thence southerly and westerly to a point on Route No. 40 in or near Austin.

Route No. 253. Beginning at a point in or adjacent to Bricelyn, thence extending in a general northerly direction to a point on Route No. 391.

Route No. 254. Beginning at a point on Route No. 391 easterly of Blue Earth, thence extending in a general southerly direction to a point in or adjacent to Frost, thence continuing in a general southerly direction to a point on the boundary between the states of Minnesota and Iowa.

Route No. 255. Beginning at a point on Route No. 5, at or near Winnebago; thence extending in a general easterly direction to a point on Route No. 39, at or near Wells.

Route No. 256. Beginning at a point in or adjacent to Good Thunder; thence extending in a general northerly direction to a point on Route No. 5 in Mankato; thence continuing in a general northerly direction to a point on Route No. 122, in or adjacent to North Mankato; thence continuing in a general northeasterly direction to a point on Route No. 5 in Mankato.

Route No. 257. Beginning at a point in or adjacent to Hanska; thence extending in an easterly direction to a point on Route No. 15.

Route No. 258. Beginning at a point in or adjacent to Comfrey; thence extending in a general northerly direction to a point on Route No. 7.

Route No. 259. Beginning at a point on Statutory Route No. 100, at or near Henderson; thence extending in a general southeasterly direction to a point on Statutory Route No. 123, at or near LeSueur.

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Route No. 260. Beginning at a point on Route No. 5 southwesterly of Shakopee; thence extending in a general northerly direction to a point on Route No. 12, at or near Chaska.

Route No. 261. Beginning at a point in or adjacent to Winsted; thence extending in a southerly direction to a point on Route No. 119 northerly of Lester Prairie; thence continuing in a general southerly direction to a point on Route No. 12.

Route No. 262. Beginning at a point in or adjacent to Granada; thence extending in a southerly direction to a point on Route No. 9 easterly of Fairmont.

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. 9 westerly of Fairmont, thence extending in a general northerly direction to a point on Route No. 391.

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. 9 easterly of Worthington, thence extending in a general northerly direction to a point on Route No. 391.

Route No. 265. Beginning at a point on Route No. 85 northeasterly of Bigelow; thence extending in a southerly direction to a point on the boundary between the states of Minnesota and Iowa.

Route No. 266. Beginning at a point in or adjacent to Wilmont; thence extending in a southeasterly direction to a point on Route No. 9, at or near Worthington.

Route No. 267. Beginning at a point in or adjacent to Iona; thence extending in a general northerly direction to a point on Route No. 17, at or near Slayton.

Route No. 268. Beginning at a point at or adjacent to Edgerton; thence extending in a general westerly direction to a point on Route No. 6.

Route No. 269. Beginning at a point on Route No. 88, at or southerly of Jasper; thence extending in a westerly direction to a point on the boundary between the states of Minnesota and South Dakota.

Route No. 270. Beginning at a point in or adjacent to Hills; thence extending in a general easterly direction to a point on Route No. 6.

Route No. 271. Beginning at a point on the boundary between the states of Minnesota and South Dakota near the northwest corner of Section 30, Township 113 North, Range 46 West; thence extending in an easterly and southerly direction to a point in or adjacent to Hendricks; thence continuing in a southerly direction to a point on Route No. 90.

Route No. 272. Beginning at a point on Route No. 14 northerly of Milroy; thence extending in a southerly and easterly direction to a point on Route No. 4 south of Redwood Falls; thence continuing in an easterly direction to a point on Route No. 93, in or adjacent to Morgan.

Route No. 273. Beginning at a point in or adjacent to Belview; thence extending in a southerly direction to a point on Route No. 14.

Route No. 274. Beginning at a point in or adjacent to Wood Lake; thence extending in a general northerly direction to a point on Route No. 67.

Route No. 275. Beginning at a point in or adjacent to Boyd; thence extending in a general northerly direction to a point on Route No. 12.

Route No. 276. Beginning at a point on the boundary line between the states of Minnesota and South Dakota westerly of Marietta, thence extending in an easterly direction to a point in or adjacent to Marietta, thence extending in a general easterly direction to a point on Route No. 6.

Route No. 277. Beginning at a point on Route No. 49 northerly of Maynard; thence extending in a northerly direction to a point on Route No. 145.

Route No. 278. Beginning at a point on Route No. 130 southerly of Robbinsdale; thence extending in a general easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.

Route No. 279. Beginning at a point on route 390 in Dakota county southwesterly of Fort Snelling; thence extending in a general northerly direction across the Minnesota River to a point on route 114 in Minneapolis.

Route No. 280. Beginning at a point on St. Anthony Avenue in St. Paul; thence extending in a general northerly direction to a point on Route No. 63, at or near New Brighton.

Route No. 281. Beginning at a point on Route No. 203 in Duluth, at or near its westerly junction with Route No. 103; thence extending in a northeasterly direction through Duluth to a point on Route No. 103 in the northeasterly portion of Duluth.

Route No. 282. Beginning at a point on Route No. 5, at or near Jordan; thence

extending in a general northeasterly direction to a point on Route No. 117 westerly of Spring Lake.

Route No. 283. Beginning at a point on Route No. 30, at or near Waubun; thence extending in a general westerly direction to a point on Route No. 177.

Route No. 284. Beginning at a point on Route No. 121, at or near Waconia; thence extending in a southerly direction to a point on Route No. 12.

Route No. 285. Beginning at a point on Route No. 1, at or near Scanlon; thence extending in a general southwesterly direction to a point on Route No. 2.

Route No. 286. Beginning at a point on Route No. 196, at or near Marcell; thence extending in a westerly direction to a point on Route No. 61.

Route No. 287. Beginning at a point on Route No. 28, at or near Grey Eagle; thence extending in a general northwesterly direction to a point on Route No. 4.

Route No. 288. Beginning at a point on Route No. 242 in the city of Anoka, thence extending in a general northerly direction to a point at or in the grounds of the Anoka State Hospital.

Route No. 289. Beginning at a point on Route No. 1 at or near Moose Lake; thence extending in a general southeasterly direction to a point at or in the grounds of the Moose Lake State Hospital.

Route No. 290. Beginning at a point on Route No. 19 south of Walker; thence extending in a general southwesterly direction to a point at or in the grounds of the Minnesota State Sanatorium.

Route No. 291. Beginning at a point on Route No. 3 in the City of Hastings; thence extending in a general easterly and southeasterly direction to a point at or in the grounds of the Hastings State Hospital; thence extending in a general southwesterly direction to a point on Route No. 3.

Route No. 292. Beginning at a point on Route No. 3 in Red Wing; thence extending in a general southerly and easterly direction through the grounds of the Minnesota State Training School for Boys to a point on Route No. 3 in Red Wing.

Route No. 293. Beginning at a point on Route No. 132 in Cambridge; thence extending in a general southerly direction through the grounds of the Cambridge State School and Hospital to a point on Route No. 5.

Route No. 294. Beginning at a point on Route No. 4 northeasterly of Willmar, thence extending in a general easterly direction into the grounds of the Willmar State Hospital, thence extending in a general northerly and westerly direction to a point on Route No. 4.

Route No. 295. Beginning at a point on Route No. 7 in the City of St. Peter; thence extending in a general southwesterly direction to a point at or in the grounds of the St. Peter State Hospital.

Route No. 296. Beginning at a point on Route No. 59 in the City of Rochester; thence extending in a general easterly direction to a point at or in the grounds of the Rochester State Hospital.

Route No. 297. Beginning at a point on Route No. 3 in the City of Fergus Falls; thence extending in a general northwesterly direction into and through the grounds of the Fergus Falls State Hospital; thence in a general southerly or south-easterly direction to a point on Route No. 3 in Fergus Falls.

Route No. 298. Beginning at a point on Route No. 21 in the City of Faribault; thence extending in a general southerly direction through the grounds of the Minnesota State Braille and Sight Saving School; thence in a general southerly direction to a point in the grounds of the Faribault State School and Hospital; thence extending in an easterly and northerly direction to a point on Route No. 298.

Route No. 299. Beginning at a point on Route No. 21 in the City of Faribault; thence extending in a general northerly direction to a point at or in the grounds of the Minnesota State School for the Deaf.

Route No. 300. Beginning at a point on Route No. 5 in or near the City of Shakopee; thence extending in a general northeasterly direction to a point at or in the grounds of the Minnesota State Reformatory for Women.

Route No. 301. Beginning at a point on Route No. 3; thence extending in a general westerly direction to the main entrance of the Minnesota State Reformatory for Men.

Route No. 302. Beginning at a point on Route No. 4 in the City of Sauk Centre; thence extending in a general northerly direction to a point at or in the grounds of the Minnesota State Home for Girls.

Route No. 303. Beginning at a point on Route No. 7 in the City of Owatonna; thence extending in a general southerly direction through the grounds of the

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Owatonna State School; thence in a general easterly direction to a point on Route No. 7.

Route No. 304. Beginning at a point on Route No. 38 at or near Montevideo; thence extending in an easterly direction to connect with Route No. 49 easterly of Montevideo.

Route No. 305. Beginning at a point on Route No. 2 in Brainerd; thence extending in a southerly and easterly direction to a point on Route No. 18 easterly of Brainerd.

Route No. 306. Beginning at a point on Route No. 35 at or near Gilbert; thence extending in a general northeasterly direction to a point on Route No. 35 at or near Biwabik.

Route No. 307. Beginning at a point on Constitutional Route No. 8 at or near East Grand Forks; thence extending in a general westerly direction to a point on the boundary between the states of North Dakota and Minnesota.

Route No. 308. Beginning at a point on Constitutional Route No. 11 westerly of Fox; thence running in a general northerly direction to a point on Statutory Route No. 218 at or near Ross.

Route No. 309. Beginning at a point on Route No. 18 at or near Brainerd, thence extending in a general northwesterly direction to a point at or in the grounds of the Brainerd State School and Hospital, thence extending in a general southerly direction to a point on Route No. 18 at or near Brainerd.

Route No. 310. Beginning at a point on Route No. 11 at or near Roseau, thence extending in a northerly direction to a point on the boundary line between the State of Minnesota and the Province of Manitoba, Canada.

Route No. 311. Beginning at a point on Route No. 289 at or near the entrance to the Moose Lake State Hospital, thence extending in an easterly direction to a point on Route No. 390.

Route No. 312. Beginning at a point on Route No. 7 at or near the junction of Route No. 7 and Route No. 42, thence extending in a southerly direction to a point on Route No. 391.

Route No. 313. Beginning at a point on Route No. 11 at or near Warroad, thence extending in a northerly direction to a point on the boundary between the State of Minnesota and the Province of Manitoba, Canada.

Route No. 314. Beginning at a point on Route No. 110 southerly of St. Francis, thence extending in a general easterly direction to a point on Route No. 5, thence extending in a general easterly direction to a point on Route No. 1 at or near Forest Lake, provided, however, that such route shall not be established, constructed or marked until receipt by the adjutant general of Minnesota of the authority from the proper federal agency to proceed with the acquisition of land for the construction of the proposed Bethel airport affording Bethel Airport a reasonable means of communication with other places within the State.

Route No. 315. Beginning at a point on Route No. 158 in International Falls, thence extending in a general northerly direction to the boundary line between the State of Minnesota and the Province of Ontario, Canada.

Route No. 316. Beginning at a point on Route No. 3 at or near Hastings, thence extending in a southeasterly direction to a point on Route No. 3 at or near Red Wing.

Route No. 317. Beginning at a point on Route No. 220 westerly of Stephen in Marshall County, thence extending in a westerly direction to the boundary line between the State of Minnesota and the State of North Dakota.

Route No. 318. Beginning at a point at or near the west quarter corner of Section 21, township 119 north, range 35 west, on Route No. 49; thence extending in a general northerly direction to a point on Route No. 145.

Route No. 319. Beginning at a point on Route No. 6 in the city of Ortonville; thence in a general northwesterly direction to a point on Route No. 148 in Ortonville.

Route No. 320. Beginning at a point on Route No. 116, easterly of Nerstrand; thence extending in a general westerly direction to a point on Route No. 246 in or adjacent to Nerstrand.

Route No. 321. Beginning at a point on Route No. 22 in Eden Valley, thence extending in a general northerly direction, so as to run easterly of Horse Shoe Lake, to a point on Route No. 23 in Richmond.

Route No. 322. Beginning at a point on Route No. 27 in the City of Brainerd; thence extending in a general easterly direction to a point on Route No. 18 in the City of Brainerd.

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Route No. 323. Beginning at a point on Route No. 298 at or near the intersection of Route No. 298 and Barron Road; thence extending westerly, southerly and northeasterly to a point on Route No. 298.

Route 324A. Beginning at a point on Route No. 6 in Hallock; thence extending in a general westerly direction following generally the location of present County State-Aid Highway No. 3 to a point on the boundary line between the State of Minnesota and the State of North Dakota.

Route No. 325. Beginning at a point on Constitutional Route No. 11 in Bau-dette, thence extending in a northerly and northeasterly direction to the boundary line between the State of Minnesota and the Province of Ontario, Canada.

Route No. 326. Beginning at a point on Route No. 394 at or near the intersection of Route No. 63 in the northwest one quarter of section 17, township 31 north, range 22 west, in the village of Lino Lakes, Anoka county; thence in a general westerly direction to the main entrance of the Minnesota youth center situated in the northeast one quarter of section 18, township 31 north, range 22 west, to include a loop on the east side of the service building.

Route No. 327. Beginning at a point on route 392 near Plymouth Avenue in the city of Minneapolis; thence extending in a general easterly direction to a point on route 394 in the city of Minneapolis.

[1957 c 19 s 3; 1957 c 287 s 3; 1957 c 943 s 46; 1959 c 381 s 1-3; 1959 c 426 s 1; Ex1959 c 43 s 1; 1961 c 431 s 1; 1961 c 451 s 1; 1961 c 498 s 1; 1963 c 884 s 15; 1965 c 207 s 1, 2; 1967 c 421 s 1; Ex1967 c 12 s 1, 2]

161.12 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.12 ADDITIONAL ROUTES ADDED TO TRUNK HIGHWAY SYSTEM.

To take advantage of federal aid made available by the United States to the state of Minnesota for highway purposes, the following trunk highway routes are added to the trunk highway system which routes form a part of the national system of interstate and defense highways and may be referred to as the interstate system:

Route No. 390. Beginning at a point on the boundary between the states of Minnesota and Iowa, southerly of Albert Lea; thence extending in a general northerly direction through the city of St. Paul; thence extending in a general northeasterly direction to a point in Duluth on the boundary between the states of Minnesota and Wisconsin.

Route No. 391. Beginning at a point on the boundary between the states of Minnesota and South Dakota, westerly of Luverne; thence extending in a general easterly direction to a point on the boundary between the states of Minnesota and Wisconsin, near La Crescent.

Route No. 392. Beginning at a point on the boundary between the states of Minnesota and North Dakota in or near Moorhead; thence extending in a general southeasterly direction through the city of Minneapolis; thence in a general easterly direction through the city of St. Paul to a point on the boundary between the states of Minnesota and Wisconsin in or near Lakeland.

Route No. 393. Beginning at a point on Route No. 392, easterly of the city of St. Paul; thence in a general southerly and westerly direction through the city of South St. Paul; thence in a general westerly direction to a point in Eden Prairie Township, Hennepin County; thence in a general northerly direction to a point in the village of Maple Grove, Hennepin County; thence in a general easterly direction to a point on Route 390; thence in a general easterly, southeasterly and southerly direction to the point of beginning on Route No. 392, easterly of St. Paul.

Route No. 394. Beginning at a point on Route No. 390, southerly of the Minnesota River; thence extending in a general northerly and northeasterly direction through the city of Minneapolis; thence continuing in a northeasterly direction to a point on Route No. 390, near Forest Lake and there terminating.

Route No. 395. Beginning at a point on Route No. 390 at or near the intersection of Superior Street and Nineteenth Avenue West in the city of Duluth, thence extending in a northeasterly direction to a point on Route No. 103 at or near the intersection of Superior Street and Tenth Avenue East in the city of Duluth.

[1959 c 500 art 2 s 12; 1961 c 473 s 1]

161.121 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.13 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.13 CONNECTING ROUTES. Subdivision 1. Certain routes may be added. Routes conforming to the standards and in the locations hereinafter prescribed may be added to the trunk highway system by order of the commissioner so as

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to provide an efficient, practicable and economical method of meeting situations and conditions that may arise during the periods between legislative sessions requiring connections between trunk highways on the interstate system and other trunk highways.

Subd. 2. **Location.** The commissioner may establish and thereafter construct, reconstruct, and maintain routes connecting a trunk highway on the interstate system with another trunk highway in the vicinity of Geneva, Medford, White Bear, Rush City, Pine City and Wyoming. If after any such connecting route has been constructed, the trunk highway or portion thereof that is one terminus of such route is removed from the trunk highway system but remains a public road, the connecting route shall remain a trunk highway.

Subd. 3. **Definite and specific locations and numbering left to the commissioner.** The definite and specific locations of such routes and the numbering thereof shall be fixed and determined by order of the commissioner.

Subd. 4. **Not to exceed certain lengths.** No such route shall exceed five miles in length, and the total length of all such routes shall not exceed twenty-five miles.

[1959 c 500 art 2 s 13]

161.131 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.132 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.133 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.134 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.135 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.14 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.14 NAMES AND DESIGNATIONS OF CERTAIN HIGHWAYS. Subdivision 1. **The Capitol Highway.** The following route between the city of St. Paul and the south boundary of the state of Minnesota is hereby named and designated "The Capitol Highway:"

Beginning at the intersection of University Avenue and highway No. 62 in Anoka County, thence southerly along University Avenue through Minneapolis, and thence southerly along University Avenue and Robert Street through St. Paul, thence southerly along South Robert Street through West St. Paul, to a point at or near the northeast quarter-corner of section 19, township 27, range 22, thence southeasterly and southerly to a point at or near the southeast corner of section 35, township 113, range 19, thence southerly traversing in part the line between Rice and Goodhue counties, to trunk highway No. 21, thence southeasterly on such highway to trunk highway No. 56, thence southerly on trunk highway No. 56 through Dodge Center to Constitutional Route No. 9, now marked trunk highway No. 16, thence east on Constitutional Route No. 9, now marked trunk highway No. 16, to the northeast corner of section 2, township 102, range 17, thence in a southerly direction along county state-aid highway No. 19 to the junction of statutory route No. 81, now marked trunk highway No. 56, thence southeasterly along statutory route No. 81, now marked trunk highway No. 56, to the junction of county state-aid highway No. 12, thence southerly along county state-aid highway No. 12 to a point on the Iowa state line near the south quarter line of section 34, township 101, range 14.

Subd. 2. **The Colvill Memorial Highway.** The following described highway shall be known as "The Colvill Memorial Highway:"

Beginning at Gaylord and running thence in an easterly direction through Lonsdale, Northfield and Cannon Falls, terminating at the city of Red Wing.

Subd. 3. **Floyd B. Olson Memorial Highway.** The following described highway shall be known as the "Floyd B. Olson Memorial Highway:"

Route No. 55, when permanently established, shall thereafter be known as the "Floyd B. Olson Memorial Highway" in addition to its statutory number.

Subd. 4. **Theodore Christianson Drive.** The following route in the vicinity of Dawson is named and designated "The Theodore Christianson Memorial Drive" in memory of the late Governor Theodore Christianson of Dawson, Minnesota, to-wit:

Beginning at a point on Constitutional Route No. 26, now marked trunk highway No. 12, at its intersection with Constitutional Route No. 66, now marked trunk highway No. 119, northerly of Appleton; thence extending in a southerly direction along Constitutional Route No. 66 to its intersection with Statutory Route No. 144, now marked trunk highway No. 119, at or near the south corporate limits of Appleton; thence extending southwesterly and southerly along said Statutory Route No. 144 to a point approximately six miles east of Madison; thence continuing southerly along present county state-aid highway No. 25 to its intersection

with Constitutional Route No. 12, now marked trunk highway No. 212, at or near the westerly limits of Dawson; thence easterly along Constitutional Route No. 12 to its intersection with present county state-aid highway No. 23 in Dawson; thence continuing southerly along present county state-aid highways No. 23 and No. 11 to a point on Constitutional Route No. 48, now marked trunk highway No. 67.

Beginning at a point near the present junction of state trunk highway No. 40 and county state-aid highway No. 13 in Lac qui Parle County; thence extending in a general easterly direction along Statutory Route No. 276, now marked trunk highway No. 40 and county state-aid highway No. 20 in said county to a point at or near the village of Lac qui Parle; thence continuing in a general easterly and northerly direction to county state-aid highway No. 33; thence continuing easterly across the Minnesota River and Dam to its intersection with state trunk highway No. 59; thence extending in a general easterly direction along state trunk highway No. 59 to the junction of state trunk highway No. 7 in the city of Montevideo; thence extending in a general easterly direction on state trunk highway No. 7 to a point at or near the city of Minneapolis and there terminating.

Subd. 5. **P. H. McGarry Memorial Drive.** That portion of Constitutional Route No. 19, known as trunk highway No. 371, in Cass County from its south junction of Constitutional Route No. 34 to Walker is hereby named and designated as the "P. H. McGarry Memorial Drive."

Subd. 6. **Evergreen Memorial Drive.** That portion of road No. 185, known as trunk highway No. 23 in St. Louis, Pine and Carlton Counties, is hereby named and designated "Evergreen Memorial Drive" in memory of World War veterans of St. Louis, Pine and Carleton counties.

Subd. 7. **Prohibition of advertisements.** No advertisement or sign shall be displayed within a distance of 300 feet from the center of the traveled part of the Evergreen Memorial Drive, but this provision shall not apply within a municipality nor to any sign erected by public authority for the regulation of traffic nor to any advertisement or sign upon the wall of a building in which the goods advertised are offered for sale or the business advertised is conducted.

Subd. 8. **Commissioner may remove advertisements.** The commissioner shall remove or cause to be removed any advertisement or sign prohibited under this section.

Subd. 9. **Yellowstone Trail.** The highway now marked and known as Trunk Highway No. 212 from the Wisconsin state line to the South Dakota state line is hereby named and designated as the "Yellowstone Trail," and the commissioner of highways shall adopt a suitable marking design with which he shall mark or blaze said highway to carry out the purposes of this subdivision.

Subd. 10. **Sioux Trail.** The following route is named and designated the "Sioux Trail."

Beginning at a point in Mendota at or near the Mendota Bridge over the Mississippi River; thence extending southwesterly along Legislative Route No. 117 to its junction with Legislative Route No. 187; thence extending westerly along Legislative Route No. 187 to its junction with Constitutional Route No. 5 in Shakopee; thence extending southwesterly along Constitutional Route No. 5 to Mankato; thence extending southwesterly along Constitutional Route No. 5 to its junction with Legislative Route No. 83; thence extending northwesterly along Legislative Route No. 83 to its junction with Constitutional Route No. 15; thence extending northerly along Constitutional Route No. 15 across the Minnesota River to its junction with Nicollet County State-Aid Highway No. 21; thence extending northwesterly along Nicollet County State-Aid Highway No. 21 to Nicollet County State-Aid Highway No. 29 near Fort Ridgely State Memorial Park; thence extending northwesterly along Nicollet County State-Aid Highway No. 29 to Renville County State-Aid Highway No. 5 at the Renville County line; thence extending northwesterly along Renville County State-Aid Highway No. 5 to Renville County Highway No. 51 at or near Franklin; thence extending northwesterly along Renville County Highway No. 51 to Constitutional Route No. 14 easterly of Morton; thence extending along Constitutional Route No. 14 to its junction with Constitutional Route No. 4 at Morton; thence extending northwesterly along Constitutional Route No. 4 at its junction with Renville County State-Aid Highway No. 15; thence extending northwesterly along Renville County State-Aid Highway No. 15 to its junction with Renville County State-Aid Highway No. 10; thence extending northerly along Renville County State-Aid Highway No. 10 to its junction with Renville County Highway No. 52; thence extending along Renville County Highway No. 52 to Chip-

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pewa County Highway No. 40 at the Chippewa County line; thence extending northwesterly along Chippewa County Highway No. 40 to its junction with Constitutional Route No. 12 at Granite Falls; thence extending northwesterly along Constitutional Route No. 12 to its junction with Constitutional Route No. 66 at Montevideo; thence extending northwesterly along Constitutional Route No. 66 to its junction with Legislative Route No. 147 at or near Appleton; thence extending northwesterly along Legislative Route No. 147 to its junction with Constitutional Route No. 6; thence extending northwesterly along Constitutional Route No. 6 to Ortonville.

The commissioner of highways shall adopt a suitable marking design with which he shall mark or blaze the specified portions of the trunk highway routes heretofore described over which the Sioux Trail is located, and the counties of Nicollet, Renville, and Chippewa shall mark or blaze their respective highways heretofore described with the same marking design adopted by the commissioner of highways.

Subd. 11. Arthur V. Rohweder Highway. That portion of Constitutional Route No. 1, known as Trunk Highway No. 61, from Lester Park in Duluth to Two Harbors, as the same is relocated and to be constructed on new alignment, is hereby named and designated as the "Arthur V. Rohweder Memorial Highway."

Subd. 12. Hiawatha Pioneer Trail. (1) The following route is named and designated the "Hiawatha Pioneer Trail":

Beginning at Trunk Highway No. 61 on the boundary line between the states of Minnesota and Wisconsin; thence northwesterly on Trunk Highway No. 61 to junction with Trunk Highway No. 12 in St. Paul; thence westerly and southwesterly on Trunk Highways No. 12 and No. 5 to Fort Snelling; thence southwesterly on Trunk Highway No. 3 to Faribault; thence westerly on Trunk Highway No. 99 to St. Peter; thence southerly on Trunk Highway No. 22 to Mankato; thence westerly on Trunk Highway No. 68 to Sleepy Eye; thence northerly on Trunk Highway No. 4 to Fairfax; thence westerly on Trunk Highway No. 19 to junction with Trunk Highway No. 67; thence northerly on Trunk Highway No. 67 to Granite Falls; thence southwesterly on Trunk Highway No. 23 to junction with Trunk Highway No. 14; thence westerly on Trunk Highway No. 14 to Lake Benton; thence southerly on Trunk Highway No. 75 to Pipestone; thence easterly on Trunk Highway No. 30 to Slayton; thence southerly on Trunk Highway No. 59 to Worthington; thence easterly on Trunk Highway No. 16 to Jackson; thence southerly on Trunk Highway No. 71 to the boundary line between the states of Minnesota and Iowa.

(2) The route of the "Hiawatha Pioneer Trail" designated in clause (1) of this subdivision is the main route of the trail. The following routes are named and designated as the alternate southern route and the alternate northern route of the "Hiawatha Pioneer Trail."

The alternate southern route is described as follows:

Commencing at the junction of Trunk Highway No. 61, on the main route, and Trunk Highway No. 14, north and west of Winona, thence westerly on Trunk Highway No. 14 to Owatonna; thence northerly on Trunk Highway No. 3 to Faribault, and connecting to the main route.

The alternate northern route is described as follows:

Commencing at the junction of Trunk Highway No. 12, on the main route, and Trunk Highway No. 10 in the city of St. Paul; thence northerly on Trunk Highway No. 10 to Little Falls, to junction Trunk Highway No. 371; thence northerly on Trunk Highway No. 371 to Brainerd and junction with Trunk Highway No. 18; thence easterly on Trunk Highway No. 18 to Garrison and junction with Trunk Highway No. 169; thence southerly on Trunk Highway No. 169 to junction with Trunk Highway No. 65; thence northerly on Trunk Highway No. 65 to Jacobsen, and junction with Trunk Highway No. 34; thence easterly on Trunk Highway No. 34 to junction with Trunk Highway No. 2; thence easterly and southerly on Trunk Highway No. 2 to Duluth and junction with Trunk Highway No. 23; thence southerly and westerly on Trunk Highway No. 23 to Sandstone and junction of Trunk Highway No. 61, thence southerly on Trunk Highway No. 61 to North Branch and junction with Trunk Highway No. 95; thence easterly and southerly on Trunk Highway No. 95 to Stillwater and junction with Trunk Highway No. 212;

thence southerly and westerly to Trunk Highway No. 12 on the main route in the city of St. Paul.

(3) The commissioner of highways shall adopt a suitable marking design with which he shall mark or blaze the highways heretofore described over which the "Hiawatha Pioneer Trail" is located.

Subd. 13. **Blue Star Memorial Highway.** Trunk Highway Routes Numbered 390, 394, and 395, as described in Minnesota Statutes, Section 161.12, are hereby named and designated as the Blue Star Memorial Highway.

Subject to the approval of the commissioner of highways, the Blue Star Memorial marker may be placed in roadside rest areas, waysides, or parking areas within the right-of-way of the routes described in the first paragraph of this subdivision.

[1959 c 210 s 1; 1959 c 500 art 2 s 14; 1961 c 669 s 1, 2; 1961 c 734 s 1; 1965 c 445 s 1, 2, 3; 1965 c 556 s 1]

161.141 NORTHWEST ANGLE, CONNECTING HIGHWAY; FEDERAL APPROVAL. Subdivision 1. The commissioner of highways may enter into an agreement with the authorized authorities of the province of Manitoba, Canada providing for an equitable division of costs and responsibilities to be borne by the state of Minnesota and the province of Manitoba for the establishment, location, construction, maintenance, and operation of a highway through the province of Manitoba, thereby connecting the Northwest Angle with other parts of the state of Minnesota.

Subd. 2. The agreement shall contain an express provision that it shall not be binding on the state of Minnesota until approved by the Congress of the United States. The agreement shall contain the further express provision that the agreement shall not be binding on the state of Minnesota unless the Congress of the United States appropriates to the state of Minnesota a sum of money sufficient to pay Minnesota's share of the cost of the highway.

Subd. 3. Upon approval of Congress and the appropriation of money by Congress as provided in subdivision 2, the commissioner may proceed to carry out the terms of the agreement provided for in subdivision 1.

[1959 c 132 s 1-3]

161.1419 MISSISSIPPI RIVER PARKWAY COMMISSION. Subdivision 1. It is declared to be the policy of the state and to be in the best public interest for the promotion of public safety, recreation, travel, trade, and the general welfare of the people to cooperate with the federal government and with the interstate Mississippi river parkway planning commission. To carry out such policy and to aid in the promotion and securement of a scenic parkway and highway for the state of Minnesota and to aid in securing the location of federal parks within Minnesota a Mississippi River parkway commission is created. Such commission shall also work toward the planning, construction, maintenance, and improvement of the Great River Road or Mississippi River Parkway which is to follow generally the course of the Mississippi River and extend from Canada to the Gulf of Mexico.

Subd. 2. The commission shall be composed of nine members of which three shall be appointed by the governor, three shall be members of the senate to be appointed by the committee on committees, and three shall be members of the house of representatives to be appointed by the speaker. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of highways, the commissioner of conservation, and the director of the Minnesota historical society shall be ex officio members, and shall be in addition to the nine members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi river parkway commission, hereinafter called the national commission, giving the names and addresses of the members so appointed.

Subd. 3. The commission may hold meetings and hearings at such time and places as it may designate to accomplish the purposes set forth in this section and may subpoena witnesses and records. It shall select a chairman, a vice-chairman, and such other officers from its membership as it deems necessary.

Subd. 4. Members of the commission shall serve without compensation but

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shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties. The commission may purchase supplies and do all things reasonably necessary and convenient in carrying out the purposes of this section. The commission shall use the available facilities and personnel of the legislative research committee. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 5. The commissioner of highways shall designate one employee of the department of highways who is an engineer or who has engineering experience and the commissioner of conservation shall appoint one member of his staff who shall advise with and assist the commission in carrying out its functions and duties.

Subd. 6. The commission shall be an affiliate of the national commission and as a member of the national commission may pay an annual fee of not to exceed \$1,000 for its equal share of the planning program of the national commission.

[1963 c 875 s 1]

NOTE: Grants-in-aid from counties, see section 373.27.

161.142 GREAT RIVER ROAD. Subdivision 1. [Repealed, 1963 c 875 s 3]

Subd. 2. **Location; construction; improvement; maintenance; acquisition of land.** The commissioner of highways shall establish and locate the route or routes of the Great River Road and shall thereafter construct, reconstruct, improve and maintain same. He may acquire by purchase, gift or eminent domain proceedings, in fee or such lessor estate as he may determine, all lands and properties needed in laying out, establishing, constructing, reconstructing, improving and maintaining the Great River Road in Minnesota.

Subd. 3. **Inclusion within state system; controlled access.** The portion of the Great River Road in Minnesota shall be part of the state trunk highway system and shall be a controlled access highway.

Subd. 4. **Acceptance of federal funds; cooperation with federal agencies.** The commissioner of highways may accept any federal funds made available to the state of Minnesota for expenditure on the Great River Road. He may cooperate with the federal government or any federal agency in the establishment, construction, reconstruction and improvement of the Great River Road to the end that the state will obtain all federal funds available for expenditure on the Great River Road in Minnesota. He may act as agent for any other department of state, public corporation, or political subdivision of the state in accepting federal aid in their behalf for the purposes expressed in subdivisions 1 to 7.

Subd. 5. **Cooperation with other governmental units.** The commissioner of highways shall cooperate with other state departments, public corporations and political subdivisions in laying out, constructing, reconstructing and improving and maintaining the Great River Road.

Subd. 6. **Expenditures; limitation, appropriation.** None of the provisions of subdivisions 1 to 7 shall be construed as authorizing the commissioner of highways to expend trunk highway funds for non-trunk highway purposes. There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of subdivisions 1 to 7.

Subd. 7. **Preservation of adjacent areas.** Any political subdivision or public corporation adjacent to the Great River Road or through which the Great River Road passes may acquire by purchase, gift or eminent domain proceedings as provided by law any lands or properties, or interests in lands and properties, lying along the Great River Road as they deem necessary for the purpose of preserving areas of natural scenic beauty, views of lake or riverside areas, historic sites, and such lands as they deem necessary for the purpose of providing recreational and rest areas and facilities in connection therewith including camping and overnight facilities. They may enter into agreements with property owners along the Great River Road providing for restrictions on land uses along such road and providing for compensation therefor. Such agreements may provide that the lands or properties may continue to be used for agricultural, horticultural, forest, grazing, residential, or other purposes not inconsistent with parkway principles and standards approved by the federal government and the Mississippi River Parkway Commission.

[1959 c 411 s 1-7]

161.143 GREAT RIVER ROAD, LOCATION OF ROUTE. Subdivision 1. As a part of the Great River Road described in section 161.142, the commissioner of highways shall establish and locate as one of the routes thereof, the following:

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Commencing at trunk highway No. 92 at the entrance to Itasca State Park; thence thru the state park coming out of the state park at the north entrance and again joining with trunk highway No. 92; thence northwesterly on said highway No. 92 to and thru Bagley; thence northerly on highway No. 92 to Clearbrook; thence northerly on county state-aid highway No. 5 to the Clearwater crossing, and thence northeasterly on the Red Lake Indian Reservation road known as the Gonvick Trail to a point near the Sandy river; thence northerly on the Sandy river road where it connects with trunk highways No. 1 and No. 89 and what is now known as the west arm of the Great River Road.

Subd. 2. In establishing and locating the route of the Great River Road as provided in subdivision 1, the commissioner may designate and mark as part of the route not only the trunk highways described but also the other roads and highways included therein, notwithstanding any provision to the contrary in section 161.142.

[1961 c 580 s 1]

161.144 GREAT RIVER ROAD; DESIGNATION. Subdivision 1. The commissioner of highways shall designate, establish, and locate as a part of the great river road authorized by Minnesota Statutes, Section 161.142, the following described route:

Beginning at Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly on Trunk Highway No. 26 to junction with Trunk Highway No. 61 at the south corporate limits of La Crescent; thence northwesterly and northerly on Trunk Highway No. 61 to junction with Trunk Highway No. 12 in St. Paul; thence westerly through St. Paul and Minneapolis to junction 152 and 169 in Minneapolis; thence northerly and northwesterly on Trunk Highway No. 169 to junction with Trunk Highway No. 101; thence northerly on Trunk Highway No. 101 to junction with Hennepin County State Aid Highway No. 12; thence northwesterly on State Aid No. 12 to junction with Trunk Highway No. 101 in Dayton; thence northwesterly on Trunk Highway No. 101 to junction with Wright County State Aid Highway No. 39; thence northwesterly on State Aid No. 39 to junction with Trunk Highway No. 152; thence northwesterly on Trunk Highway No. 152 to the westerly junction with Trunk Highway No. 23 at St. Cloud; thence easterly on Trunk Highway No. 23 to the easterly junction with Trunk Highway No. 152; thence northerly, easterly, and northerly on Trunk Highway No. 152 to junction with Stearns County State Aid Highway No. 1; thence northwesterly on State Aid No. 1 to the north Stearns County line; thence generally following along the westerly and northerly side of the Mississippi River, or adjacent thereto, through Morrison, Cass, and Crow Wing counties; thence easterly and northerly along the Mississippi River to Trunk Highway No. 232 at Palisade; thence easterly on Trunk Highway No. 232 to junction with Trunk Highway No. 65; thence northerly on Trunk Highway No. 65 to junction with Trunk Highway No. 34 at Jacobson; thence westerly across the Mississippi River on Trunk Highway No. 34 to junction with Aitkin County State Aid Highway No. 10; thence northwesterly on State Aid No. 10 to the Itasca County line and Itasca County State Aid Highway No. 3; thence northwesterly on Itasca County State Aid Highway No. 3 to junction with Trunk Highway No. 169 in Grand Rapids; thence northerly on Trunk Highway No. 169 to junction with Trunk Highway No. 2; thence northwesterly on Trunk Highway No. 2 to junction with Trunk Highway No. 46 in Deer River; thence northwesterly on Trunk Highway No. 46 to a point opposite the northeast corner of Cutfoot Sioux Lake; thence westerly along the north shore of Cutfoot Sioux Lake and Lake Winnibigoshish; thence southwesterly to the north shore of Cass Lake; thence southwesterly to the south shore of Lake Andrusia; thence westerly to the south junction of Trunk Highway Nos. 2 and 71 in Bemidji and there terminating. This is also the point of beginning of the westerly and easterly legs of the Great River Road described as follows:

The Westerly Leg Of The Great River Road Beginning at the south junction of Trunk Highway Nos. 2 and 71 in Bemidji; thence westerly and southerly along the Mississippi River to Trunk Highway No. 92 at Itasca Park; thence westerly and northerly along the presently established section of the Great River Road route from Itasca Park to the junction of Trunk Highway No. 89 and the Sandy River road at the southwest corner of Lower Red

Lake; thence northerly along Trunk Highway No. 89 to the community of Fourtowns; thence northerly to junction of Trunk Highway Nos. 11 and 313 in Warroad; thence northerly on Trunk Highway No. 313 to the Canadian Border and there terminating.

The Easterly Leg Of The Great River Road Beginning at the south junction of Trunk Highway Nos. 2 and 71 in Bemidji; thence northeasterly and easterly through Beltrami, Itasca, and Koochiching counties to junction with Trunk Highway No. 315 in International Falls; thence northerly on Trunk Highway No. 315 to the Canadian Border and there terminating.

Subd. 2. In establishing and locating the route of the great river road as described in subdivision 1 hereof, the commissioner of highways may designate and mark as part of such route not only the trunk highways described, but also the other highways, streets, or roads included therein.

[1963 c 143 s 1, 2]

161.145 GREAT RIVER ROAD, ALTERNATE ROUTE. The commissioner of highways shall designate, establish, and locate as an alternate route of the great river road, between the westerly and easterly legs of said road, the trunk highways now existing along the following described route:

Beginning at the junction of Trunk Highway Nos. 71 and 72; thence northerly on Trunk Highway No. 72 to junction with Trunk Highway No. 11 near Baudette; thence westerly on Trunk Highway No. 11 to junction with Trunk Highway No. 313 in Warroad and there terminating.

[1963 c 168 s 1]

161.146 GREAT RIVER ROAD, ALTERNATE ROUTE. The commissioner of highways shall designate, establish, and locate as an alternate route of the great river road, the trunk highways now existing along the following described route:

Beginning on Trunk Highway No. 10 at Little Falls; thence northwesterly on Trunk Highway No. 10 through Motley to junction with Trunk Highway No. 71 at Wadena; thence northerly on Trunk Highway No. 71 through Park Rapids to junction with Trunk Highway No. 31.

[1967 c 326 s 1]

161.147 GREAT RIVER ROAD, ALTERNATE ROUTE. The trunk highways now existing along the following described route shall be designated, established, and located by the commissioner of highways as an alternate route of the great river road:

Beginning on Trunk Highway No. 64 at or near Motley; thence northerly on Trunk Highway No. 64 to junction with Trunk Highway No. 31; thence northwesterly on Trunk Highway No. 31 to junction with Trunk Highway No. 71; thence northerly on Trunk Highway No. 71 to its junction with Trunk Highway No. 2 in Bemidji and there terminating.

[1967 c 326 s 2]

161.15 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.15 SPECIFIC LOCATION; LIMITATION ON DEVIATIONS. The commissioner may specifically and definitely locate all of the routes of the trunk highway system, but in so locating same, he shall not deviate from the starting points or terminals as set forth in the route description; nor shall there be any deviation from the various villages and cities named in the routes through which such routes shall pass.

[1959 c 500 art 2 s 15]

161.16 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.16 TEMPORARY TRUNK HIGHWAYS; DEFINITELY LOCATED TRUNK HIGHWAYS; VACATION AND REVERSION. Subdivision 1. **Temporary trunk highways.** Until such time as the commissioner definitely locates and constructs the several routes of the trunk highway system, he shall select practicable existing roads along the general location of such routes which he shall maintain for the benefit of the traveling public. Such roads shall be known as temporary trunk highways. The road authority which had jurisdiction over such road shall, thereupon, be relieved of responsibilities thereto; provided, however, if the definite location of the route shall be other than the location of the temporary trunk highway, the portion of the temporary locations which is not included in the definite location shall, upon notice of the commissioner, revert to the road authority unless the same lies within the corporate limits of a city, village, or borough, in which case it shall become a street of the city, village or borough, provided that when the portion of the temporary location, which is not included in the definite location

lies within a city, village, or borough having a population of less than 5,000, that portion shall revert to the county if it meets the criteria for a county state-aid highway.

Subd. 2. Designation and location by order. The commissioner shall by order or orders designate such temporary trunk highways, and when he has determined the definite location of any trunk highway or portion thereof, the same shall also be designated by order or orders. The commissioner may, by order or orders, change the definite location of any trunk highway between the fixed termini, as fixed by law, when such changes are necessary in the interest of safety and convenient public travel. The commissioner shall file certified copies of such orders with the county auditor of the county wherein such highways are located. Such certified copies shall become permanent records and shall not be removed from the office or offices wherein filed.

Subd. 3. Public hearing. When the county board of any county requests a public hearing in regard to the definite location or a change in the definite location of any trunk highway within its boundaries, the commissioner shall hold such hearing in such county before making his determination in such matters.

Subd. 4. Reversion or conveyance to another road authority. (a) When the commissioner shall make a change in the definite location of a trunk highway as provided herein, the portion of the existing road that is no longer a part of the trunk highway by reason of such change and all right, title, and interest of the state therein shall revert to the road authority originally charged with the care thereof.

(b) If such portion had its origin as a trunk highway, it shall become a county highway unless the same lies within the corporate limits of a city, village, or borough, in which case it shall become a street of such city, village or borough. Provided that when the existing road that is no longer a part of the trunk highway by reason of such change lies within a city, village, or borough of less than 5,000 population, such portion shall revert to the county if such portion meets the criteria for a county state-aid highway. Notwithstanding the other provisions of this chapter or other applicable laws and regulations, the governor, in behalf of the state and upon recommendation of the commissioner, may convey and quitclaim to a county, city, village, borough or other political subdivision all or part of the right of way of the existing road that is no longer a part of the trunk highway by reason of the commissioner's order or orders. The conveyance shall be for highway purposes, and the future cost of maintenance, improvement, or reconstruction of such highway and the contribution of that highway to the public highway system is herewith deemed to be reasonable and proper consideration therefor. Extra Session Laws 1967, Chapter 11 shall apply to all trunk highways reverted prior to the date of its enactment.

Subd. 5. Damages due to vacation of road having origin as a trunk highway. Damages occasioned by the vacation of any highway or street that had its origin as a trunk highway, if vacated by the county within one year after the commissioner relinquished jurisdiction thereof, shall be paid by the state out of the trunk highway fund. No award of damages determined by the county shall be made for such vacation without the concurrence of the attorney general, and no action brought to recover damages for such vacation shall be settled or otherwise disposed of without the consent of the attorney general. The attorney general may defend any action brought to recover damages for such vacation.

Subd. 6. Vacation. When the definite location of any trunk highway takes the place of and serves the same purpose as any portion of an existing road, however established, the commissioner may make an order vacating such portion of the road. A copy of the order shall be served upon the owners and occupants of the lands on which is located the portion of the road so vacated. A copy of the order, together with proof of service, or affidavit of publication if the owners are unknown or reside outside the state, shall be filed with the county auditor of the county in which such lands lie. Any person claiming to be damaged by the vacation may appeal at any time within 30 days after the service of the order to the district court of the county for a determination of his damages, by serving notice of the appeal on the commissioner and filing same with proof of service in the office of the clerk of the district court. The appeal shall be tried in the same manner as an appeal from an award in proceedings in eminent domain.

[1959 c 500 art 2 s 16; 1967 c 436 s 1, 2; Ex1967 c 11 s 1]

161.17 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

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161.17 APPROVAL OF PLANS. Subdivision 1. **Routes other than interstate system.** Except for routes on the interstate system, no portion of the trunk highway system lying within the corporate limits of any city, village, or borough shall be constructed, reconstructed, or improved unless the plans therefor shall be approved by the governing body of the city, village, or borough before such work is commenced, nor shall the grade of such portion of the trunk highway system lying within such corporate limits be changed without the consent of the governing body of the city, village, or borough. This section shall not be construed to limit the power of the commissioner otherwise provided by law to regulate traffic or install traffic control devices or other safety devices on trunk highways located within cities, villages, or boroughs.

Subd. 2. **Interstate system.** It is hereby declared that construction of the interstate system of highways will vitally affect the future development of the cities, villages, and boroughs through which these routes pass and such municipalities should have an important role in the development of this highway system; that on the other hand the future planning and programming of construction projects over a period of years is necessary to take maximum advantage of federal aid and to build a unified and coordinated interstate system; that excessive delay in local approval of plans for construction of one segment may seriously impede completion of the entire system and adversely affect other municipalities along the interstate routes; that the mutual exchange of information and close cooperation between the department and local governing bodies should be encouraged by improved administrative processes for securing orderly review of plans and the resolution of differences over interstate routes and projects; and that the provisions of subdivision 1 for local approval of trunk highway plans must be modified for the interstate highway system in the light of these various considerations. Before the commissioner proceeds with the preparation of the final plans for the construction, reconstruction, or improvement of any route on the interstate system lying within any city, village, or borough, he shall submit to its governing body preliminary plans covering the route location. The preliminary plans shall be submitted as part of a report containing such supporting data that the commissioner deems helpful to the governing body in appraising the plans submitted.

Any public hearing on location of an interstate route held in compliance with federal requirements shall be held at least one month after submission to the governing body of the report provided for in this subdivision. After the public hearing, when the commissioner has prepared final plans, he shall submit the final plans to the governing body for approval. If the governing body does not approve the final plans within three months after submitted, the commissioner may refer the plans to (1) the Twin Cities Metropolitan Area Planning Commission, if the project is within the area of its jurisdiction, or (2) the municipal advisory committee on state-aid rules and regulations established under section 162.09, subdivision 2, if the project is elsewhere in the state. If a member of the advisory committee is from the municipality concerned he shall be excused. If the plans are so referred, the commission or committee shall give the commissioner and the governing body ample opportunity to present the case for or against approval of the plans so referred. Not later than three months after such hearings and independent study as it deems desirable, it shall approve or disapprove such plans, making such additional recommendations consistent with state and federal requirements as it deems appropriate, and it shall submit a written report containing its findings and recommendations to the commissioner and the governing body. The commissioner shall not proceed with the proposed construction, reconstruction, or improvement except in accordance with plans approved by the governing body or, if referred to the commission or committee, until after the commission or committee has made its report, and then only after the governing body has had an additional 90 days within which to consider the plans originally submitted or such modified plans as may be submitted to it by the commissioner following the report of the commission or committee. If within such 90-day period, the governing body does not approve the plans submitted to it, and if the commissioner then wishes to proceed with the project according to plans differing substantially from the plans recommended by the commission or committee in its report, he shall, before proceeding with the project, file a written report with the commission or committee and the governing body stating fully his reasons for doing so. Whenever plans are referred to the Twin Cities Metropolitan Area Planning Commission, the commission shall be reimbursed from the trunk highway fund for actual and neces-

sary expenses incurred by the commission in staff work incident to consideration of plans and action thereon by the commission. Whenever plans are referred to the advisory committee on rules and regulations, members of the committee shall be paid their necessary expenses to the same extent and in the same manner as for its duties in considering the commissioner's rules and regulations.

[1959 c 500 art 2 s 17]

161.18 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.18 PRIOR EASEMENTS TO VEST IN STATE. When any road or highway, including any city, village, or borough street or portion thereof, is taken over by the state as a trunk highway, the state as to any such road, street, or highway or portion thereof, without compensation paid therefor, shall be vested with all rights, titles, easements, and appurtenances thereto appertaining, held by or vested in any of the political subdivisions of the state prior to the time such road, street, or highway is taken over by the state.

[1959 c 500 art 2 s 18]

161.19 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.19 CERTAIN RECORDS OBTAINED AND FILED. Upon the written request of the commissioner the clerk of any court, the auditor of any county, the clerk of any town, or the recorder or clerk of any city, village, or borough shall furnish a copy of the proceedings, documents, and plats, if any, relating to the establishment of any road or the procuring of the right of way of any road which has been or may be taken over by the state of Minnesota as a trunk highway. The copy shall be filed in the records of the commissioner and shall be prima facie evidence of the existence of the road as described therein. The legal fee for the copies shall be paid from the trunk highway fund.

[1959 c 500 art 2 s 19]

161.20 GENERAL POWERS OF THE COMMISSIONER. Subdivision 1. To carry out the provisions of Constitution. The commissioner shall carry out the provisions of article XVI, section 2 of the constitution of the state of Minnesota.

Subd. 2. **Acquisition of property; buildings; relocation of corners; agreements with railroads; contracts.** He is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as he deems necessary, all lands and properties necessary in laying out, constructing, maintaining, and improving the trunk highway system; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver license examinations; to maintain, repair, or remodel such buildings as may be necessary; to make agreements with any county for the relocation or re-establishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or re-establishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out his duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.

Subd. 3. **Appropriations.** The commissioner may expend trunk highway funds only for trunk highway purposes.

[1959 c 500 art 2 s 20; 1965 c 505 s 1]

161.201 RELOCATION SERVICES, CITIES OF FIRST CLASS. The commissioner of highways may enter into agreements with any public agency of a city of the first class whereby such agency would contract to provide relocation services to fee owners, contract for deed vendees, or lessees within such city whose property has been or is about to be acquired for trunk highway purposes. The compensation agreed upon for such services shall be paid out of the trunk highway fund, and there is appropriated from said fund a sufficient sum of money to carry out the purposes provided for herein. The specific services to be per-

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formed by such agency and the compensation to be paid therefor from the trunk highway fund shall be set forth in detail in the agreement.

[1965 c 139 s 1]

161.21 STUDIES. Subdivision 1. The commissioner may make or cause to be made such studies and investigations as he deems necessary for the purpose of determining the most advantageous location and design of trunk highways from the standpoint of both present and future traffic needs, and in making such determinations he may take into consideration the probable future development of both urban and rural areas and the effect of such development on future traffic needs as indicated by such studies and investigations.

Subd. 2. Such studies and investigations may also be carried out by the commissioner in cooperation with any governmental authority or agency of this state or of any other state, the federal government or any of its agency, including the national academy of sciences, whenever federal law or federal rules and regulations require such studies in order for Minnesota to receive federal aid.

[1959 c 500 art 2 s 21; 1963 c 115 s 1]

161.22 APPRAISERS. The commissioner may employ full time appraisers on a salary basis, and he may employ appraisers on a fee basis, for the purpose of ascertaining or estimating the costs of lands and properties needed for highway purposes. Appraisers may also be employed to make estimates whenever federal law or federal rules and regulations require estimates as a prerequisite to obtaining federal aid.

[1959 c 500 art 2 s 22; 1961 c 71 s 1]

161.23 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.23 EXCESS ACQUISITION. Subdivision 1. **Acquisition of entire tract.** Whenever the commissioner of highways determines that it is necessary to acquire any interest in a part of a tract or parcel of real estate for trunk highway purposes, he may acquire in fee, with the written consent of the owner or owners thereof, by purchase, gift, or condemnation the whole or such additional parts of such tract or parcel as he deems to be in the best interests of the state. Any owner or owners consenting to such excess acquisition may withdraw his or their consent at any time prior to the award of commissioners in the case of condemnation proceedings, or at any time prior to payment in the case of purchase. In the event of withdrawal the commissioner shall dismiss from the condemnation proceedings the portion of the tract in excess of what is needed for highway purposes.

Subd. 2. **Conveyance of excess.** If the commissioner of highways acquires real estate in excess of what is needed for trunk highway 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 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 restrictions are reasonably necessary.

Subd. 3. **Leasing.** The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as he deems proper, any excess real estate acquired under the provisions of this section, and any real estate acquired in fee for trunk highway purposes and not presently needed therefor. All rents received from the leases shall be paid into the state treasury. Seventy percent of the rents shall be credited to the trunk highway fund. The remaining thirty percent shall be paid to the city, village, borough, or township where the real estate is located.

Subd. 4. **Limitation on construction of section.** Nothing contained in this section shall be construed to prevent the commissioner from acquiring lands, real estate, or interests in lands or real estate necessary for trunk highway purposes, without the consent of the owner or owners thereof.

[1959 c 500 art 2 s 23]

161.24 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

161.24 CHANGES REQUIRED BY CONSTRUCTION OF TRUNK HIGHWAY. Subdivision 1. **Grade at intersections.** When the construction or reconstruction of a trunk highway results in a change of grade which necessitates a change of grade in intersecting or connecting highways or streets, including city, village, or borough streets, the cost of making the grade changes and any damages occasioned thereby shall be paid out of the trunk highway fund.

Subd. 2. **Relocation of highway.** When in the judgment of the commissioner, the establishment, construction, or reconstruction of a trunk highway requires, in the interest of safety or convenient public travel, a change in the location of any highway or street, including a city, village, or borough street, the commissioner may make the needed change in location after obtaining the approval of the road authority having jurisdiction over such highway or street. The cost of the change in location and any damages occasioned thereby shall be paid out of the trunk highway fund. All lands necessary therefor may be acquired by purchase, gift or condemnation. The highway or street as changed shall be the legally designated location thereof until otherwise changed as provided by law, and the maintenance and care of the highway or street shall be the responsibility of the road authority having jurisdiction thereof.

Subd. 3. **Detours during construction.** When, during construction, reconstruction, or maintenance of a trunk highway, the commissioner determines that it is impractical to provide crossovers within the trunk highway limits for local highways or city or village streets designated for and carrying traffic of five tons or more per axle, and the commissioner determines that it is necessary to provide a detour outside the limits of the trunk highway for traffic using such local highways or streets to meet local traffic needs, he may, upon request of the local road authority, expend trunk highway funds on the most practical detour to the extent necessary to provide a route reasonably adequate to carry such detoured traffic. He may provide temporary traffic control devices on such detours as he deems necessary.

Subd. 4. **Access to isolated property.** When the establishment, construction, or reconstruction of a trunk highway closes off any other highway or street, including city, village, or borough streets, private road, or entrance at the boundary of such trunk highway the commissioner may, in mitigation of damages, or in the interest of safety and convenient public travel, construct a road either within the limits of the trunk highway, or without the limits of the trunk highway, connecting the closed off highway, street, private road, or entrance with another public highway. In determining whether to build the road within or without the limits of the trunk highway, the commissioner may take into consideration economy to the state and local traffic needs. The commissioner, in mitigation of damages, may connect the closed off private road with the remaining portion of the private road or with another private road. All lands necessary therefor may be acquired by purchase, gift, or condemnation.

Subd. 5. **Maintenance of roads outside trunk highway.** Any road so constructed outside the limits of the trunk highway shall be maintained by the road authority having jurisdiction over the highway or street closed off. Any private road constructed outside the limits of the trunk highway connecting the private road with a public highway shall be the responsibility of the property owners or owners served thereby.

Subd. 6. **Agreements.** The commissioner and the road authority affected may enter into agreements upon such terms as may be agreed upon, to provide for the construction of such grade changes, changes in location, detours, or connecting roads.

[1959 c 500 art 2 s 24; 1961 c 577 s 1; 1963 c 336 s 1]

161.241 RELOCATION OF RAILROAD TRACKS, ACQUISITION OF LAND. Subdivision 1. Whenever the construction, reconstruction, or improvement of a trunk highway will require the acquisition by the state of lands or interests in lands owned by a railroad company, and will require the railroad company to relocate its tracks in order to provide right of way for the trunk highway, the commissioner of highways may acquire, by purchase, gift, or eminent domain proceedings, the lands or interests in lands necessary for the relocation of such tracks. Such acquisition is deemed to be for a trunk highway purpose.

Subd. 2. The lands to be acquired from the railroad company, and the lands necessary for the relocation of the railroad tracks to be acquired by the state,

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shall be described in a voluntary agreement between the railroad company and the commissioner. Such agreement shall set forth the consideration to be paid for the lands involved. The consideration may be an even exchange of land if the market value is equal, or there may be money payment or services to be rendered by one party or the other to the agreement in addition to the exchange of land, depending on the relative market values of the lands involved. Any money paid to the state shall be credited to the trunk highway fund.

Subd. 3. Upon recommendation of the commissioner of highways, the governor shall convey to the railroad company, by quit claim deed, such lands or interests in lands acquired by the state pursuant to the provisions of subdivisions 1 to 3.

Subd. 4. Upon recommendation of the commissioner of highways, the governor shall convey to a railroad company, by quit claim deed, lands owned by the state in fee for trunk highway purposes, but no longer needed for such purposes, when such lands are needed by a railroad company for the relocation of its tracks which relocation is required by the construction, reconstruction, or improvement of a trunk highway. The consideration shall be set forth in a voluntary agreement between the railroad company and the commissioner of highways and shall be as provided in subdivision 2, hereof.

Subd. 5. There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of subdivisions 1 to 4.

[1963 c 704 s 1-3]

161.242 MOTOR VEHICLE, CONSTRUCTION OR AGRICULTURAL MACHINERY JUNK YARD ACT. Subdivision 1. **Legislative findings and purpose.** It is hereby found that the operation of unsightly motor vehicle, agricultural or construction machinery junk yards adjacent to the trunk highways on which motor vehicles are operated at high speed is a distracting influence on drivers, thereby impairing the public safety. It is hereby found and declared that in the interest of and to promote the public safety it is necessary to regulate the operation of motor vehicle or agricultural or construction machinery junk yards on lands adjacent to the trunk highways of the state.

Subd. 2. **Definitions.** (1) For the purposes of this section, the terms defined in this subdivision shall have the meanings given them.

(2) Junk yard means motor vehicle, agricultural machinery or construction machinery junk yard used as a place of storage or deposit, within one half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

(3) Dealer means any person, partnership, or corporation engaged in the operation of a motor vehicle, agricultural or construction machinery junk yard.

(4) A highway is a trunk highway outside the corporate limits of a city, village or borough.

Subd. 3. **Unauthorized junk yards prohibited.** (1) No person shall operate or cause to be operated any junk yard unless it be screened so as to effectively conceal it from the view of motorists using the highway. The screening required by this section may be effected by trees, shrubs, or foliage at least eight feet high at maturity which affords a sufficient screen.

(2) None of the articles commonly found in junk yards shall be allowed to remain on the grounds for more than 24 hours unless within the buildings or the properly screened area as provided herein.

Subd. 4. **Penalty.** Any junk yard operated in violation of this section is declared to be a public nuisance, and the violator shall be guilty of a misdemeanor. Each day such a condition exists is a separate offense.

Subd. 5. **Citation.** This section is the motor vehicle, construction or agricultural machinery junk yard act.

Subd. 6. **Effective date.** This section is effective on January 1, 1969.

[1965 c 674 s 1-6]

161.25 TEMPORARY TRUNK HIGHWAY DETOUR AND TEMPORARY TRUNK HIGHWAY HAUL ROAD. When the commissioner determines, for the purpose of constructing or maintaining any trunk highway, that any public street or highway is necessary for a detour or haul road, the commissioner may designate by order any such street or highway as a temporary trunk highway detour or as a

temporary trunk highway haul road, and he shall thereafter maintain the same as a temporary trunk highway until he revokes the designation. Prior to revoking the designation the commissioner shall restore such streets or highways to as good condition as they were prior to the designation of same as temporary trunk highways. Upon revoking the designations such streets or highways shall revert to the subdivision charged with the care thereof at the time it was taken over as a temporary trunk highway.

[1959 c 500 art 2 s 25]

161.26 HIGHWAY MAINTAINED ACROSS PORTION OF ADJOINING STATE. When a state trunk highway route is so located that in order to properly connect the designated objectives it is advisable to construct and maintain the highway across a portion of an adjoining state, the commissioner is authorized to expend trunk highway funds therefor in the same manner as other expenditures for trunk highway purposes are made. No such highway or portion thereof shall be established or constructed in any adjoining state until the adjoining state shall first pass legislation consenting thereto and granting the commissioner necessary jurisdiction over the portion of the highway located in the adjoining state.

[1959 c 500 art 2 s 26]

161.261 CONNECTOR SEGMENTS WITH OTHER STATES. Subdivision 1. When the beginning or terminal of a trunk highway is the state boundary, and the commissioner of highways and the authorities of the adjoining state deem it desirable during the construction or improvement of such trunk highway to construct or improve a connector highway in the adjoining state thereby connecting or improving the connection of such trunk highway with the highway system of the adjoining state, the commissioner may enter into agreements with the authorities of such adjoining state providing for such connecting highway to be constructed or improved under and as part of the trunk highway construction contract. Such connector highway shall connect with the trunk highway at the state boundary and shall not exceed one mile in length. The entire cost of constructing or improving the connector highway, including engineering costs and expenses, planning and designing expenses, and any other expenses attributable to such connector highway, shall be paid by the adjoining state, and the manner and time of such payment shall be specified in the agreement.

Subd. 2. The commissioner, in the interest of construction economy, may enter into agreements with the authorities of an adjoining state providing that the adjoining state construct or improve a segment of a Minnesota trunk highway route in conjunction with a construction project of the adjoining state so as to connect or improve the connection of the Minnesota trunk highway route with the highway system of such adjoining state at their common boundary. Such segment of the Minnesota trunk highway route to be constructed or improved by the adjoining state shall not exceed one mile in length. The cost of construction or improvement of such segment, including costs of planning and design and equitable engineering costs and expenses attributable to such segment, shall be paid from the trunk highway fund.

Subd. 3. There is appropriated out of the trunk highway fund from money not otherwise appropriated a sufficient sum of money to carry out the provisions of subdivisions 1 and 2.

[1963 c 460 s 1-3]

161.27 TRUNK HIGHWAYS ACROSS BODIES OF WATER. Subdivision 1. **Permit.** The commissioner may establish, construct, and maintain trunk highways into, through, or across any lake and may alter and change the channel of any stream when necessary or expedient in the construction or maintenance of any trunk highway; provided that no such trunk highway improvement affecting public waters shall be made until a permit therefor is issued by the commissioner of conservation as provided by law.

Subd. 2. **Acquisition of lands.** For the purposes set forth in subdivision 1 the commissioner may acquire lands and properties or any interest therein by purchase, gift, or condemnation.

[1959 c 500 art 2 s 27]

161.28 ALTERATION OF PUBLIC DRAINAGE DITCH AFFECTING TRUNK HIGHWAY. Subdivision 1. **Petition.** Upon the filing of a petition by the commissioner with the county auditor in the case of a drainage system lying wholly within a county, or with the clerk of the district court having jurisdiction over the ditch

in the case of a drainage system affecting two or more counties, therein setting forth that it would be advantageous or desirable in the construction or maintenance of a trunk highway to make a minor alteration or change in a public drainage system directly affecting a trunk highway and that the alteration or change will not affect the functioning or efficiency of the public drainage system, it shall be the duty of the auditor or the clerk with the approval of the judge, to fix a time and place for hearing thereon and to give notice of the hearing by publication, as defined in section 106.171. Upon the filing of the petition the commissioner shall also file a plan showing in detail the alteration or change petitioned for. If upon the hearing it appears to the county board or district court that the alteration or change in the public drainage system will not affect or impair the efficiency of the drainage system, the board or court shall make its order allowing the commissioner to make the alteration or change petitioned for. Upon the making of the order by the county board or the court, the commissioner may proceed at the sole cost and expense of the state to make the alterations or changes as may be in said order allowed, damages, if any, for any additional lands necessary for the change or alteration being first duly paid or secured. Upon completion of the alteration or change the commissioner shall file with the auditor or clerk a map drawn to scale showing thereon the change or alteration made and shall also file a profile of all lines of the alteration or change in the ditch showing graphically the elevation of the ground and gradient, whether open or tiled, the size of tile, and the bottom width and side slope of open ditch sections, and such other information as may appear necessary for the understanding thereof. If the map and profile be filed with the clerk, duplicates thereof shall also be filed with the auditor of each county affected. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include such alteration or change as a part thereof with the same force and effect as though it had been originally so constructed and established.

Subd. 2. Recovery of damages. Within six years after completion of any alteration or change as provided in this section, any owner or owners of lands in the drainage system claiming damages by reason of the alteration or change may bring an action in the district court of the county in which the lands are located to compel the commissioner to pay damages, if any, caused by the alteration or change.

[1959 c 500 art 2 s 28]

161.29 TOLL BRIDGE MAY BE PART OF TRUNK HIGHWAY SYSTEM.

When the commissioner determines that it is in the best interests of the public and necessary in the location, construction, improvement, or maintenance of any trunk highway, he may designate by order as a part of the trunk highway system any toll bridge situated wholly within the state, and he may acquire by purchase, gift, or condemnation, as provided by law, the necessary rights or easement in, to, or over any such toll bridge as will enable the public to use the bridge for highway traffic free of toll.

[1959 c 500 art 2 s 29]

161.30 MARKING DESIGN. **Subdivision 1. Commissioner to adopt.** The commissioner shall adopt a suitable marking design with which he shall mark or blaze the trunk highway routes, and as the definite final location of each route is opened to traffic the markings shall be changed to such location.

Subd. 2. Revision and consolidation of marking and numbering of routes. In order to coordinate the markings of the various existing routes, together with the new routes which have been or may be added, and in order to avoid duplication in numbers used on interstate routes, the commissioner may revise and consolidate the marking and numbering of the routes within the system from time to time. When the commissioner does so revise the marking or numbering he shall prepare a map showing the existing routes and identifying numbers and the routes and identifying numbers or design of the revised system. This map shall be authenticated by a certificate of the commissioner certifying the same as being the map showing the revised markings under the provisions of this section. This map and certificate shall be filed in the office of the commissioner and thereafter shall govern the identification of the several routes or portions thereof in the trunk highway system and all proceedings, records, and accounts thereafter shall be governed accordingly. Proceedings pending and under way at the time such map is filed shall cite both the old and the new identifications.

[1959 c 500 art 2 s 30]

161.31 MAPS AND PAMPHLETS. Subdivision 1. **Maps.** The commissioner shall annually publish a map showing the location and status of improvements of the trunk highway system.

Subd. 2. **Pamphlets.** The commissioner may print and distribute pamphlets containing information pertaining to the trunk highway system. The pamphlets shall be limited to information as to the location and use of trunk highway routes, the location and proper use of traffic interchanges, speed laws and traffic restrictions, the meaning and use of traffic control devices and directional signs, and other information that will contribute to safer and more convenient use of trunk highways through increased knowledge and better understanding of the traveling public. He may use other means of communication to disseminate such information when such other means are more practical and efficient.

[1959 c 500 art 2 s 31]

161.32 MANNER OF CONDUCTING WORK ON TRUNK HIGHWAY. Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work or any part thereof incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, he may either reject all bids and readvertise, or do the work by labor employed therefor. Except as hereinafter provided, when work is to be done under contract, he shall advertise for bids once each week for three successive weeks prior to the date such bids are to be received. The advertisement for bids shall be published in a newspaper or other periodical of general circulation in the state. The plans and specifications for the proposed work shall be on file in the commissioner's office prior to the first call for bids.

Subd. 2. **Direct negotiation.** In cases where the estimated cost of construction work or maintenance work does not exceed \$25,000, the commissioner may enter into a contract for such work by direct negotiation, by obtaining two or more quotations for such work, and without advertising for bids or otherwise complying with the requirements of competitive bidding; provided, however, the total contractual obligation of the state for any and all directly negotiated contract or contracts on any single project shall not exceed \$25,000. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.

Subd. 3. **Emergencies.** In the case of emergency, contracts may be let without advertising for bids. Emergency is defined as a condition on a trunk highway that necessitates immediate work in order to keep such highway open for travel. No such contract shall be let without advertising for bids except upon the written authority of the commissioner or his deputy.

Subd. 4. **Repair and restoration of trunk highways damaged by spring breakup.** Contracts may be let for the repair and restoration of trunk highways damaged by spring breakup upon advertisement for bids and publication thereof in a newspaper or periodical of general circulation for a period of one week prior to the date such bids are to be received, and upon the mailing of such advertisements to all contractors who have filed a written request therefor.

Subd. 5. **Default by contractor.** In cases where work is being done under contract and the commissioner finds that the contractor has failed to comply within 60 days from the date of receipt of a written demand to make arrangements, satisfactory to the commissioner, to correct specified delays, neglect, or default, within the control of the contractor, the commissioner may negotiate with others, with the approval of the defaulting contractor's surety, for the completion of the contract according to the terms and provisions of the contract.

[1959 c 500 art 2 s 32; 1961 c 17 s 1; 1963 c 455 s 1; 1967 c 232 s 1]

161.322 PAYMENT OF INTEREST TO CONTRACTORS. When any contract for the construction, improvement, or repair of any trunk highway has been entered into by the commissioner of highways of the state of Minnesota, and the work provided for in the contract has been in all things completed to the satisfaction of the commissioner or his agent except for the release of sureties, in accordance with the contract, by the person with whom the commissioner has contracted, herein termed the contractor, unless final estimate for the work is made within 90 days after the contractor has so completed the work, he shall be entitled to receive interest at the rate of four percent per annum from the date of the expiration of that 90 day period upon all amounts finally determined to be due him which were not paid prior to the expiration of that period, to be paid in the

same manner as, and at the time of, the final payment under the contract. The 90 day requirement, and the interest provisions provided for herein, shall not apply if delay is caused by the contractor; nor shall the 90 day requirement apply to contracts over one million dollars if the contract provides specifically for a different period of time in which to make such final estimate.

[1963 c 515 s 1]

161.33 EMPLOYEES NOT TO BE INTERESTED IN CONSTRUCTION CONTRACTS. It shall be unlawful for any member or employee of the department of highways to be directly or indirectly interested in any contract for the construction or improvement of any public road or bridge, or in any contract for the repair, purchase or sale of any road machinery, equipment, materials, or supplies to be used thereon. Any person violating any of the foregoing provisions shall be guilty of a gross misdemeanor.

[1959 c 500 art 2 s 33]

161.34 CLAIMS AGAINST THE STATE ARISING OUT OF CONTRACT. Subdivision 1. **Waiver of immunity.** When a controversy arises out of any contract for the construction or repair of state trunk highways entered into by the commissioner or by his authority, in respect to which controversy a party to the contract would be entitled to redress against the state, either in a court of law or equity if the state were suable, and when no claim against the state for the same redress has heretofore been made, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district courts of the state to hear and try the controversy in the manner provided for the trial of causes in the district courts. Only a party to the contract shall have the right to bring action against the state.

Subd. 2. **When action may be commenced.** No such action shall be maintained unless commenced within 90 days after the plaintiff has been furnished by the state with a final estimate under his contract, or, at the election of the plaintiff, within six months after the work provided for under his contract shall have been in all things completed.

Subd. 3. **Where action may be brought.** The action shall be brought at the election of the plaintiff in the district court of Ramsey county, or in the district court of the county where a major portion of the contract is performed, or in the district court of the county in which the plaintiff resides, or, if there be several plaintiffs residing in different counties, then in the district court of the county of the residence of any one of them. The action shall be commenced by filing a complaint with the clerk of court and serving summons and copy of the complaint upon the attorney general of the state at the state capitol. The state shall have 40 days from the date of such service within which to serve an answer upon the plaintiff, and thereafter the case shall proceed in the same manner as other actions at law in the court.

Subd. 4. **Appeal to supreme court.** An appeal from any final order of judgment in such action shall lie to the supreme court of the state in the same manner as appeals in ordinary civil actions.

[1959 c 500 art 2 s 34]

161.35 EMPLOYMENT OF CONSULTANTS. Until July 1, 1971, the commissioner is authorized to employ and engage the services of registered professional engineers, engineering firms, and registered land surveyors, to act as consultants in connection with and to prepare plans and specifications or to perform aerial photography and survey work preliminary to the preparation of plans and specifications themselves or by their organizations and employees for the construction of trunk highways, and the commissioner is authorized to negotiate for and agree upon the terms and compensation for such employment and services. If the commissioner employs and engages an engineering firm, the person or persons in responsible charge of the work or service to be performed shall be registered professional engineers or land surveyors.

[1959 c 500 art 2 s 35; 1961 c 71 s 2; 1963 c 456 s 1; 1965 c 23 s 1; 1967 c 491 s 1]

161.355 TRAVEL EXPENSE FOR JOB APPLICANTS. Subdivision 1. Notwithstanding any law to the contrary, the state of Minnesota, department of highways, may pay the necessary moving and travel expenses including the necessary travel expenses to and from interviews arranged by the department of highways, incurred by job applicants for technical positions recruited by the department of highways.

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Subd. 2. There is hereby appropriated annually out of the trunk highway fund the sum of not to exceed \$9,000 to carry out the provisions of subdivision 1.

[1959 c 379 s 1, 2]

161.36 FEDERAL AID. Subdivision 1. **Commissioner to cooperate with the U. S. government.** The commissioner may cooperate with the government of the United States and any agency or department thereof in the construction, improvement, and maintenance of roads and bridges in the state of Minnesota and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such roads and bridges.

Subd. 2. **Federal aid, acceptance; commissioner as agent.** The commissioner may accept federal moneys and other moneys, either public or private, for and in behalf of the state of Minnesota or any governmental subdivision thereof, for the construction, improvement, or maintenance of roads and bridges upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as an agent of any governmental subdivision of the state of Minnesota upon the request of such subdivision in accepting the moneys in its behalf for road or bridge purposes, in acquiring right of way therefor, and in contracting for the construction, improvement, or maintenance of roads or bridges financed either in whole or in part by federal moneys. The governing body of any such subdivision is authorized to designate the commissioner as its agent for such purposes and to enter into an agreement with him prescribing the terms and conditions of the agency in accordance herewith and with federal laws, rules and regulations.

Subd. 3. **Commissioner as agent in certain cases.** The commissioner may act as the agent of any political subdivision of the state as provided herein for the construction of roads and bridges toward the construction of which no federal aid is available in the event that such construction shall adjoin or be connected with construction upon which federal aid is available and upon which he is then acting as agent.

Subd. 4. **State laws to govern.** All contracts for the construction, improvement, or maintenance of roads or bridges made by the commissioner as the agent of any governmental subdivision shall be made pursuant to the laws of the state of Minnesota governing the making of contracts for the construction, improvement, and maintenance of roads and bridges on the trunk highway system of the state; provided, where the construction, improvement, or maintenance of any road or bridge is financed wholly with federal moneys, the commissioner as the agent of any governmental subdivision may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder, notwithstanding any state law to the contrary.

Subd. 5. **Funds to be deposited in state treasury.** All moneys accepted for disbursement by the commissioner pursuant to this section shall be deposited in the state treasury and, unless otherwise prescribed by the authority from which the money is received, kept in separate accounts designated according to the purposes for which the moneys were made available and held by the state in trust for such purposes. All such moneys are appropriated for the purposes for which the same were made available to be expended in accordance herewith and with federal laws and regulations. The commissioner may, whether acting for the state of Minnesota or as the agent of any of its governmental subdivisions or when requested by the United States government or any agency or department thereof, disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of disbursement.

Subd. 6. **No personal liability created.** Nothing in this section shall be construed as creating any personal liability upon the commissioner or in any way authorizing him to create any liability on the part of the state of Minnesota when he is acting as the agent of any governmental subdivision thereof, or when he is acting at the request of the United States.

[1959 c 500 art 2 s 36]

161.365 HIGHWAY CONTRACT SPECIFICATIONS; MINIMUM WAGE. All contracts for the construction, improvement or repair of a road or highway financed in whole or in part with federal funds and with respect to which the commissioner of highways acts as the agent for a political subdivision of the state and is required to approve plans and specifications with respect thereto and

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to award such contract, the commissioner of highways shall incorporate into the specifications a provision requiring the same wage rates for labor as is currently used by the state of Minnesota on state trunk highway projects other than interstate projects, for work in the same wage rate area. The provisions of this section shall not be applicable to contracts with any railroad or public utility for the alteration or relocation of any facilities of any such railroad or public utility when the work provided for in said contract is done by the regularly employed forces of said railroad or public utility.

[1965 c 368 s 1]

161.37 SURPLUS GOVERNMENT MATERIALS. Subdivision 1. **Commissioner may accept.** The commissioner may accept from the federal government allotments to the state of excess materials suitable for road construction and maintenance purposes.

Subd. 2. **Costs incurred in obtaining materials.** Costs incurred in receiving, placing in use, delivering, or purchasing spare parts for excess materials shall be paid out of the trunk highway fund; provided that any expense so incurred in receiving, delivering, or purchasing spare parts for the material in behalf of any county shall be paid by the county, and payment received therefor shall be credited to the trunk highway fund.

[1959 c 500 art 2 s 37]

161.38 TRUNK HIGHWAYS IN MUNICIPALITIES, CONSTRUCTION AGREEMENTS, IMPROVING TRUNK HIGHWAYS TO GREATER THAN NORMAL WIDTH. Subdivision 1. **Agreements.** Road authorities, including the road authorities of any city, village, or borough, may enter into an agreement with the commissioner for the construction of a roadway or structure of greater width or capacity than would be necessary to accommodate the normal trunk highway traffic upon any trunk highway within its boundaries, and may appropriate from any funds available and pay into the trunk highway fund such sums of money as may be agreed upon. Nothing herein contained shall prevent any city, village, or borough from constructing the portions of the street not included in the trunk highway system independent of any contract with the commissioner; provided the construction conforms to the reasonable regulations as the commissioner may prescribe as to grade and drainage.

Subd. 2. **Maintenance agreements.** Where a trunk highway is located over or along a street in any city, village, or borough which street is or may be improved to a width greater than the normal width of such trunk highway, the road authority of the city, village, or borough may enter into an agreement with the commissioner for the maintenance of the additional width by the commissioner and shall in accordance with the agreement appropriate and pay into the trunk highway fund such sums of money as may be agreed upon. Nothing herein contained shall be construed to prevent any city or village maintaining such additional width at its own expense independent of any contract with the commissioner.

Subd. 3. **Construction and maintenance agreements; frontage roads.** The commissioner for and on behalf of the state may enter into agreements with municipalities for the construction, improvement, and maintenance of trunk highways within the limits of said municipalities, including but not limited to agreements for the construction and maintenance of frontage roads upon and along trunk highways within the limits of said municipalities. Such frontage roads may be constructed along the main traveled lanes of the trunk highway, or they may be constructed a reasonable distance out from the limits of the right of way acquired for the main traveled lanes if in the considered judgment of the commissioner such location is necessary to eliminate unreasonable circuitry of local travel or to provide access to properties otherwise denied access to public highways by the establishment and construction of the trunk highway. Such frontage roads shall connect, at least at one terminal, either with the main lanes of the trunk highway or with another public highway. The municipalities are authorized to enter into such agreement with the commissioner for the performance and responsibility of the work upon such terms as may be agreed upon.

Subd. 4. **Letting of public contract by commissioner deemed to comply with statutory or charter provisions requiring city, village, or borough to do certain things.** Whenever the road authority of any city, village, or borough enters into an agreement with the commissioner pursuant to this section, and a portion of the cost is to be assessed against benefited property, the letting of a public contract

by the commissioner for the work shall be deemed to comply with statutory or charter provisions requiring the city, village, or borough (1) to advertise for bids before awarding a contract for a public improvement, (2) to let the contract to the lowest responsible bidder, and (3) to require a performance bond to be filed by the contractor before undertaking the work. The contract so let by the commissioner and the performance bond required of the contractor by the commissioner shall be considered to be the contract and bond of the city, village, or borough for the purposes of complying with the requirements of any applicable law or charter provision, and the bond shall inure to the benefit of the city, village, or borough and operate for their protection to the same extent as though they were parties thereto.

Subd. 5. **Definition of "municipalities"**. For the purpose of this section the term "municipalities" shall include counties, cities, villages, boroughs, and towns.

Subd. 6. **Withholding state aid**. If any municipality fails to fulfill its obligations as provided in any mutual agreement entered into pursuant to this section, the commissioner may retain and withhold payment of any state aid money apportioned to such municipality under the provisions of sections 162.01 through 162.19 until such municipality fulfills its obligations under the agreement. If the obligation which the municipality has failed to fulfill is a monetary obligation, the amount of state aid money which the commissioner may withhold shall not exceed the amount of the monetary obligation in default. If the obligation is other than a monetary obligation, the commissioner may withhold a reasonable amount of such state aid money until the municipality fulfills the obligation.

Subd. 7. **Improvements outside limits of state construction project**. The commissioner may act as agent for any municipality, at its request and on its approval, for the construction of street or highway improvements outside the limits of a state construction project when such improvements are adjacent to or connect with the state project. Such work may be included in the state construction contract, and all costs of such work shall be paid by the municipality. Such work shall not extend outside the limits of the state project for a greater distance than 2000 feet. Prior to the letting of the state construction contract, the provisions for payment and all details of the work to be done outside of the limits of the state construction project shall be set out in an agency agreement between the municipality and the state.

[1959 c 500 art 2 s 38; 1961 c 40 s 1; 1961 c 577 s 2; 1965 c 155 s 1]

161.39 AID TO OTHER ROAD AUTHORITIES AND STATE DEPARTMENTS.

Subdivision 1. **Technical and engineering assistance, surveys and plans**. Upon the request of any road authority, including the road authority of any city, village, or borough, the commissioner may provide technical and engineering advice, assistance and supervision to the road authority and may make surveys and prepare plans for the location, construction, and reconstruction of any highway, street, road, or bridge under the jurisdiction of the requesting road authority.

Subd. 2. **Additional work**. If so requested he may examine the whole or any part of the highway or street system under the jurisdiction of the road authority and recommend changes, alterations, or additions thereto that he deems to be in the public interest and in the interest of safety and convenient public travel. The commissioner may make surveys, studies, investigations, and perform work and services as are necessary in carrying out such requests.

Subd. 3. **Engineering or survey services for state departments**. The commissioner shall render engineering or surveying services as the governor may require for any of the state departments or agencies.

Subd. 4. **Pavement marking**. The commissioner may pavement mark highways and streets off the trunk highway system and furnish the necessary equipment and operators therefor when any road authority, including road authorities of cities, villages, boroughs, and state department or agencies having jurisdiction over such highways or streets requests such pavement marking.

Subd. 5. **Payment for services**. The cost of the work or services performed under the provisions of this section shall be paid by the road authority, department or agency for which the work or services were performed. All money received therefor shall be credited to the trunk highway fund.

Subd. 6. **Agreements regarding services**. The road authorities, including road authorities of cities, villages, and boroughs, state departments, or agencies may enter into agreements with the commissioner setting forth the work or serv-

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ices to be performed by the commissioner under the provisions of this section and providing for the method of reimbursement to the trunk highway fund of the cost thereof.

[1959 c 500 art 2 s 39]

161.40 JOINT FACILITIES WITH DEPARTMENT OF CIVIL DEFENSE. The commissioner may enter into agreements with the state department of civil defense to build, operate and maintain joint facilities in cases where the department of civil defense contributes its proportionate financial share.

[1959 c 500 art 2 s 40]

161.41 SURPLUS PROPERTY NOT NEEDED FOR TRUNK HIGHWAY PURPOSES. Subdivision 1. **Commissioner may declare surplus.** The commissioner is authorized to declare as surplus any property acquired by the state for highway purposes, excluding real estate, which he determines by order to be no longer needed or necessary for state highway purposes.

Subd. 2. **Determination of value of surplus property and transference.** The order shall direct that the value of the surplus property shall be determined, subject to the approval of the commissioner, by the district engineer in whose district the property is located, and shall authorize the district engineer to transfer the possession of the property to any state agency, or political subdivision of government or to the United States upon receipt of payment therefor in the amount so determined.

Subd. 3. **Money received to be credited to trunk highway fund.** Money received under this section shall be deposited by the district engineer with the state treasurer and credited to the trunk highway fund.

[1959 c 500 art 2 s 41]

161.411 SALE OF SURPLUS EARTH MATERIALS. Whenever the plans for the construction of a trunk highway indicate that there will be a surplus of earth materials from the roadway excavation of such trunk highway, and a political subdivision or public agency of the state indicates that it has use for all or part of such surplus earth materials, the commissioner of highways may enter into an agreement for the sale of such surplus materials on an equitable basis to such political subdivision or agency. Prior to such agreement the state in its proposal shall require a bid item reflecting either an increased or decreased cost to the state by reason of the proposed sale of such material. If such bid item indicates an increased cost to the state, the materials shall not be sold for less than such increased cost.

[1965 c 301 s 1]

161.42 LEASING OR SALE OF SOUNDING AND TESTING EQUIPMENT. The commissioner may sell or lease to other road authorities sounding and testing equipment made by the highway department. Such equipment shall be sold for not less than the cost to the department. All money received from the sale or leasing of the equipment shall be paid into the trunk highway fund.

[1959 c 500 art 2 s 42]

161.43 RELINQUISHMENT OF HIGHWAY EASEMENTS. The governor, in behalf of the state and upon recommendation of the commissioner of highways, may relinquish and quitclaim to the fee owner any easement or portion thereof owned but no longer needed by the state for trunk highway purposes, upon repayment to the state 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 so to be repaid to the state shall not be a less proportion of the consideration paid therefor by the state than the proportion of the part so to be relinquished and quitclaimed bears to the easement as originally acquired. In determining the amount to be repaid, the estimated amount of money paid by the state 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 for the original easement.

[1959 c 500 art 2 s 43]

161.433 USE OF AIR SPACE ABOVE AND SUBSURFACE BELOW TRUNK HIGHWAYS. Subdivision 1. **Lease or permit, conditions and restrictions.** The commissioner of highways, 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 purposes when such 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.

Subd. 2. **Consideration for use.** The consideration paid for the use of air space or subsurface areas shall be determined by the commissioner, but in no event shall it be less than a fair rental rate, and shall include costs for the erection and maintenance of any facilities or other costs occasioned by that use. All moneys received shall be paid into the trunk highway fund.

Subd. 3. **Application to certain provisions.** Laws 1967, Chapter 214 shall not apply to or affect the rights and privileges referred to in Minnesota Statutes, Sections 161.45, 222.37, and 300.03.

[1967 c 214 s 1, 2, 5]

161.434 RIGHT OF WAYS OF INTERSTATE AND TRUNK HIGHWAYS; LIMITED LAND USE. The commissioner may also make such arrangements and agreements as he deems necessary in the public interest with any governmental authority, political subdivision, or public agency, for the limited use of land owned as interstate or trunk highway right of way, which use shall be for highway purposes, including aesthetic purposes, but not including the erection of permanent buildings. The commissioner shall secure the approval of the appropriate federal agency where such approval is required.

[1967 c 659 s 1]

161.435 [Repealed, 1967 c 214 s 6]

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 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 terms and conditions as may be agreed upon between the commissioner and the political subdivision or agency.

Subd. 2. **Reconveyance when remainder of tract owned by vendor or surviving spouse.** If the lands were part of a larger tract and the remainder of the tract is still owned by the person or his surviving spouse from whom the lands were acquired, or if the lands constituted an entire tract, the lands shall first be offered for reconveyance to such previous owner or his surviving spouse. If the lands constitute an entire tract, the amount of money to be repaid therefor shall not be less than the amount paid by the state for such tract less the estimated value of any improvements acquired by the state not included in the reconveyance. If less lands than originally acquired are offered for reconveyance the amount of money to be repaid therefor shall not be a less proportion of the consideration paid by the state than the proportion of the part so to be reconveyed bears to the entire property as originally acquired. In determining the amount to be repaid the estimated amount of money paid by the state for any improvements acquired in the original acquisition 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 for the original acquisition. The offer shall be made by registered mail addressed to such person at his last known address. Such person or his surviving spouse shall have 60 days from the date of mailing said offer to accept and to tender to the commissioner the required sum of money.

Subd. 3. **Conveyance when remainder of tract no longer owned by vendor or surviving spouse.** If the lands were part of a larger tract and the remainder of

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the tract is no longer owned by the person or his surviving spouse from whom the lands were acquired, the lands shall be offered for conveyance to the person owning the remaining tract in the same manner and on the same terms as provided in subdivision 2.

Subd. 4. Conveyance when remainder of tract has been divided into smaller tracts. If the lands were part of a larger tract and if the tract has been platted or divided into smaller tracts and sold, the commissioner may offer the lands to the owners of the smaller tracts or lots abutting upon the lands in the same manner and on the same terms as provided in subdivision 2, or he may proceed to sell the lands to the highest responsible bidder as provided in subdivisions 5 and 6.

Subd. 5. Conveyance to highest bidder in certain cases. If the larger tract has been platted into lots or divided into smaller tracts and the commissioner elects to proceed under this subdivision, or if the lands constituted an entire tract and the person from whom the lands were acquired and his spouse are deceased, or if the offers as provided for are not accepted and the amount of money not tendered within the time prescribed, the lands may be sold and conveyed to the highest responsible bidder upon three weeks published notice of such sale in a newspaper or other periodical of general circulation in the general area where the lands are located. All bids may be rejected and new bids received upon like advertisement.

Subd. 6. Public auction. In lieu of the advertisement for sale and conveyance to the highest responsible bidder, such lands may be offered for sale and sold at public auction to the highest responsible bidder. Such sale shall be made after publication of notice thereof in a newspaper of general circulation in the area where the property is located for at least two successive weeks and such other advertising as the commissioner may direct. If the sale is made at public auction a duly licensed auctioneer may be retained to conduct such sale, his fees for such service to be paid from the proceeds, and there is appropriated from such proceeds an amount sufficient to pay such fees.

Subd. 7. Gravel or borrow pits; amount of repayment. In all cases as hereinbefore specified, if the lands to be reconveyed were acquired for gravel or borrow pit purposes and the commissioner has determined that all materials suitable or needed for trunk highway purposes have been removed from such pit, the amount to be repaid therefor need not be at least the amount paid for such pit by the state, but in no event shall the amount to be so repaid to the state therefor be less than the estimated market value thereof. In all other respects the procedures for the reconveyance of other lands as provided in this section.

Subd. 8. Restrictive clauses in deed. The deed may contain restrictive clauses limiting the use of the lands or the estate conveyed when the commissioner determines that such restrictions are reasonably necessary in the interest of safety and convenient public travel.

Subd. 9. Receipts paid into trunk highway fund. All moneys received from the sale of such lands and properties shall be paid into the trunk highway fund.

Subd. 10. [Repealed, 1967 c.214 s 6]

Subd. 11. Air space above and subsurface area. Nothing contained in this section shall apply to the lease or other agreement for the use of air space above and the subsurface area below the right of way of any trunk highway or the surface of any trunk highway right of way as provided in section 161.433, subdivision 1.

[1959 c 500 art 2 s 44; 1961 c 263 s 1; 1961 c 567 s 3 subd. 1; 1963 c 467 s 2; 1967 c 214 s 3; 1967 c 790 s 1-3]

161.441 LAND ACQUISITION AGREEMENTS WITH OTHER GOVERNMENTAL AUTHORITIES. Subdivision 1. **Authority.** Whenever the commissioner of highways has knowledge that lands are being acquired, or are about to be acquired, by a political subdivision of the state, another state agency, or other governmental authority including but not limited to bodies corporate such as public housing authorities created by statute, and he determines that a portion of such lands to be acquired, or lands contiguous thereto, are needed presently or in the future for trunk highway purposes, he may, if he deems it to be in the best interests of the state, enter into land acquisition agreements, as hereinafter provided, with such political subdivision, state agency, or governmental authority. Power is hereby conferred upon the commissioner of highways, and upon political subdivisions, state agencies, and governmental authorities to enter into, and carry out to final conclusion in accordance with the terms thereof, such land acquisition

agreements, each with the other, for the purpose of acquiring lands for their particular public purpose.

Subd. 2. **Contents.** The agreement shall set forth, among other matters, the purposes for which the lands are acquired and the portions to be used for each particular public purpose; the method of acquisition, whether by purchase, eminent domain proceedings, or a combination thereof; the agency, political subdivision, or governmental authority, or combination thereof, charged with the responsibility of carrying out the acquisition; and the division of the costs of such lands, including acquisition costs, building clearance costs, and all other costs that may be incurred in acquiring such lands.

Subd. 3. **Cost.** The costs to be borne by the trunk highway fund shall be as provided in such agreements.

[1965 c 529 s 1-3]

161.45 PUBLIC UTILITIES AND WORKS ON TRUNK HIGHWAYS; RELOCATION OF UTILITIES. Subdivision 1. Electric transmission, telephone or telegraph lines, pole lines, railways, ditches, sewers, water, heat or gas mains, gas and other pipe lines, flumes, or other structures which, under the laws of this state or the ordinance of any village or city, may be constructed, placed, or maintained across or along any trunk highway, or the roadway thereof, by any person, persons, corporation, or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth. Nothing herein shall restrict the actions of public authorities in extraordinary emergencies nor restrict the power and authority of the railroad and warehouse commission as provided for in other provisions of law.

Subd. 2. Whenever the relocation of any utility facility is necessitated by the construction of a project on trunk highway routes other than those described in section 161.46, subdivision 2, the relocation work may be made a part of the state highway construction contract or let as a separate contract as provided by law if the owner or operator of the facility requests the commissioner to act as its agent for the purpose of relocating the facilities and if the commissioner determines that such action is in the best interests of the state. Payment by the utility owner or operator to the state shall be in accordance with applicable statutes and the rules and regulations for utilities on trunk highways.

[1959 c 500 art 2 s 45; 1967 c 231 s 2]

161.46 REIMBURSEMENT OF UTILITIES: Subdivision 1. **Definitions.** For the purposes of this section the following terms shall have the meanings ascribed to them:

(1) "Utility" means all publicly, privately, and cooperatively owned systems for supplying power, light, gas, telegraph, telephone, water, pipeline, or sewer service if such systems be authorized by law to use public highways for the location of its facilities.

(2) "Cost of relocation" means the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

Subd. 2. **Relocation of facilities; reimbursement.** Whenever the commissioner shall determine the relocation of any utility facility is necessitated by the construction of a project on the routes of federally-aided state trunk highways, including urban extensions thereof, which routes are included within the National System of Interstate Highways, the owner or operator of such utility facility shall relocate the same in accordance with the order of the commissioner. After the completion of such relocation the cost thereof shall be ascertained and paid by the state out of trunk highway funds; provided, however, the amount to be paid by the state for such reimbursement shall not exceed the amount on which the federal government bases its reimbursement for said interstate system.

Subd. 3. **Lump sum settlements.** The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed \$2,500.

Subd. 4. **Acquisition of relocated facilities for utility.** When the project requires a utility to relinquish lands or interests in lands owned by the utility and the utility is unable to acquire lands or interests in lands necessary to enable it

to relocate its facilities, or if the acquisition of such lands or interests in lands by the utility would result in undue delay thereby delaying the interstate highway project, the commissioner, by purchase, gift, or eminent domain proceedings, may acquire the lands or interests in lands necessary for the relocation if the commissioner deems that such acquisition would reduce the cost to the state of the project. The lands necessary for the relocation to be acquired by the commissioner shall be designated in an agreement between the utility and the commissioner. The agreement shall also provide that without cost to either party thereto the utility will relinquish to the state its interests in the lands required for the interstate project in consideration of the conveyance by the state to the utility of the substitute lands designated in the agreement to be acquired by the state. The interest or estate acquired by the commissioner shall be substantially similar to the interest or estate that the utility owned in the lands to be relinquished by it to the state. Upon recommendation of the commissioner, the governor may convey such lands or interests in lands to the utility.

Subd. 5. **Relocation work by the state.** The relocation work may be made a part of a state highway construction contract or let as a separate contract by the state under applicable federal laws, rules and regulations if the owner or operator of the utility facility requests the commissioner to act as its agent for the purpose of relocating such facilities and if such action is deemed to be in the best interest of the state. When relocation work is made a part of a state highway construction contract or when let as a separate contract by the state as authorized herein, the cost of such relocation may be paid by the commissioner directly to the contractor out of the trunk highway fund without requiring the utility to first make payment for such relocation work and thereafter request reimbursement therefor; provided that, the agreement entered into between the state and the utility shall contain a stipulation that the utility shall reimburse the state for any costs of such relocation in which the federal government will not participate.

[1959 c 500 art 2 s 46; 1963 c 57 s 1; 1965 c 14 s 1; 1967 c 231 s 1]

161.47 HIGHWAY PATROL. Subdivision 1. **Members.** The commissioner is hereby authorized to employ and designate a highway safety director, a chief supervisor, and such assistant supervisors, sergeants and officers as are provided by law, who shall comprise the Minnesota highway patrol. The members of the Minnesota highway patrol shall have the power and authority:

(1) As peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways.

(2) At all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct traffic on other roads as conditions may require notwithstanding the provisions of law.

(3) To serve warrants and legal documents anywhere in the state in cases initiated by a member of the Minnesota highway patrol for offenses committed on trunk highways.

(4) To serve orders of the commissioner or his duly authorized agents issued under the provisions of the Drivers License Law, the Safety Responsibility Act, or relating to authorized brake and light testing stations, anywhere in the state and to take possession of any license, permit or certificate ordered to be surrendered.

(5) To conduct drivers license examinations anywhere in the state when specifically so directed by the commissioner.

(6) To inspect official brake and light adjusting stations.

(7) To make appearances anywhere within the state for the purpose of conducting traffic safety educational programs and school bus clinics.

(8) Upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables and police officers have within their respective jurisdictions, so far as may be necessary for the protection of life and property upon such trunk highways.

(9) Under instructions and regulations of the commissioner, said employees shall cooperate with all sheriffs and other police officers, and to that end are authorized to exercise the powers herein conferred upon all trunk highways and, for the purpose of continuing pursuit from such trunk highways of offenders thereon, upon all public highways connecting and traversing such trunk highways, provided that said employees shall have no power or authority in connection with strikes or industrial disputes.

(10) To assist and aid any peace officer whose life or safety is in jeopardy.

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Employees thus employed and designated shall subscribe an oath and furnish a bond running to the state of Minnesota, said bond to be approved and filed in the office of the secretary of state.

Subd. 2. **Salaries.** (1) Each such employee other than the highway safety director, chief supervisor, assistant supervisors and sergeants hereinafter designated shall be known as patrol officers, each of whom shall receive a basic salary of not less than \$506 per month and in addition thereto shall receive a salary increase equal to four percent of his last previous salary converted to the nearest dollar at the completion of his first, second, third, fourth, fifth, sixth, seventh and twelfth years of employment. Such salary increase shall be effective for the payroll period nearest the patrol officer's anniversary date of employment.

(2) There may be appointed one chief assistant supervisor; such deputy assistant supervisors as the commissioner deems necessary; and such assistant supervisors, sergeants and officers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. The supervisors and sergeants shall be appointed by law and have such duties as the commissioner may direct and shall be selected from the patrol officers, sergeants, and supervisors who shall have had at least five years' experience as either patrol officers, sergeants, or supervisors.

(3) Commencing July 1, 1967, the salaries of sergeants, assistant supervisors, deputy assistant supervisors, chief assistant supervisor, and the chief supervisor shall be determined by the following merit salary plan, which shall be administered by a board comprised of the director of personnel of the highway department, the assistant commissioner in charge of the highway safety division, and the chief supervisor. The personnel shall be eligible for the following salary increases after satisfactory job performance as determined by the merit board on the following dates or for the following time periods whichever occurs later:

	7-1-67 or base rate	7-1-69 or after 2 years	7-1-70 or after 3 years	7-1-71 or after 4 years	7-1-72 or after 5 years
Sergeant	722	736	751	766	781
Assistant Supervisor	812	828	845	862	879
Deputy Assistant Supervisor	879	897	915	933	952
Chief Assistant Supervisor	989	1,009	1,029	1,050	1,071
Chief Supervisor	1,112	1,134	1,157	1,180	1,204

Upon promotion the person will be paid at the base rate of pay in effect for that position and shall be eligible for the stated increases calculated from the effective date of promotion.

(4) The salaries established herein are basic rates of pay for the state employees enumerated and shall be placed in effect by the commissioner of highways at the beginning of the first payroll period following July 1, 1967. The highway safety director, supervisors, sergeants, and patrolmen authorized by this section shall each receive the sum of \$3 per day subsistence while engaged in the performance of duty, and in addition thereto shall be reimbursed for all expenses necessarily incurred by them in excess of \$3 per day subsistence while engaged in performance of duty.

(5) Every person employed hereunder shall be subject to the terms and provisions of Laws 1935, Chapter 254, and acts amendatory thereof.

(6) The commissioner is authorized to employ and designate a highway safety director, who shall supervise and coordinate the activities of the Minnesota highway patrol and the drivers license division and perform such other duties as the commissioner may prescribe. He shall have all the powers, duties and rights of a highway patrol member. His salary shall be \$1,079 per month.

[1929 c 355 s 1; 1931 c 44 s 1; 1935 c 304 s 1; 1937 c 30 s 1; 1939 c 400 s 1; 1941 c 175 s 1; 1943 c 623 s 1; 1945 c 422 s 1; 1945 c 516 s 1; 1947 c 562 s 1; 1951 c 554 s 1, 2; 1955 c 593 s 1; 1955 c 667 s 1; 1957 c 824 s 1, 3; 1957 c 838 s 1; 1959 c 419 s 1; 1961 c 448 s 1, 2; 1963 c 884 s 8 subd. 1, 2; 1965 c 863 s 8 subdivisions 1, 3; 1967 c 419 s 1, 2] (2554) Applicable to subdivisions 1 and 2 only.

Subd. 3. **Air patrol; salary adjustment.** The commissioner of highways may

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increase the salary of any member of the Minnesota highway patrol in an amount not to exceed \$125 a month during the period in which such member of the patrol is assigned air patrol duty.

Subd. 4. Appropriation. There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of subdivision 3.

Subd. 5. Fines and forfeited bail money. All fines and forfeited bail money from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by the justice of the peace, or such other person or officer collecting such fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to a separate account. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall next be paid from such account. Thereafter commencing July 1, 1967, the sum of \$30,000 shall be credited on the first day of each month from such account to the Minnesota highway safety account, which sum shall be disbursed only as provided for in sections 219.40 and 219.401. Thereafter on the first day of each calendar month the money remaining in such account, not needed for the purposes specified in this subdivision, shall be credited to that part of the trunk highway fund which is set apart for maintenance purposes, and so much of the maintenance fund as shall be necessary for the salaries and maintenance of such employees is hereby appropriated for that purpose.

Subd. 6. Training programs. The commissioner may provide training programs for the purpose of obtaining qualified personnel for the highway patrol. Persons accepted by the commissioner of highways for training under such training program shall be designated highway patrol trainees and shall receive a salary not to exceed \$200 per month during the period of such training; and there is hereby appropriated out of the trunk highway fund a sufficient sum of money to carry out the provisions of this section. Nothing contained in this subdivision shall be construed to prevent the commissioner from providing in-service training programs for highway patrol officers. The commissioner in providing in-service training programs may acquire necessary lands and acquire or build a necessary building for such purpose.

Subd. 7. Discharge of patrolman. Every person employed and designated as a state highway patrolman under and pursuant to the provisions of this section, after six months of continuous employment, shall continue in service and hold his position without demotion, until suspended, demoted, or discharged in the manner hereinafter provided for one or more of the causes specified herein.

Subd. 8. Causes for discharge. Causes for suspension, demotion, or discharge shall be:

- (1) Conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment;
- (2) Neglect of duty or wilful violation or disobedience of orders or rules;
- (3) Inefficiency in performing duties;
- (4) Immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer; or
- (5) Incapacity or partial incapacity affecting his normal ability to perform his official duties.

Subd. 9. Charges against patrolmen. Charges against any state highway patrolman shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, he shall order a hearing to be had thereon and fix a time for such hearing and may designate a subordinate as his deputy to conduct such hearing. Otherwise he shall dismiss the charges. At least ten days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may suspend such employee pending his decision to be made after such hearing.

Subd. 10. **Hearing on charges, decision, punishment.** The commissioner or his designated subordinate shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath, and to require the production of books, papers, and other evidence at any such hearing, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and to be represented by counsel at such hearing. If the hearing is conducted by a designated subordinate of the commissioner such designated subordinate upon completion of the hearing shall forthwith transmit a transcript of the testimony of the hearing, together with his recommendations, to the commissioner. The commissioner, within 25 days after such hearing, shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such state employee is true, he may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Subd. 11. **Review by certiorari.** Any state highway patrolman who is so suspended, demoted, or dismissed may have such decision or determination of the commissioner reviewed by a writ of certiorari in the district court of the county where such patrolman resides. If such decision or determination of the commissioner shall be finally rejected or modified by the court, the patrolman shall be reinstated in his position, and the commissioner shall pay to the patrolman so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court. If upon any such hearing the commissioner shall find the charges made against such patrolman are not true, or dismiss such charges after such hearing, such patrolman shall be reinstated in his position and any salary or wages withheld from him pending the determination or decision of the commissioner upon such charges shall be paid to such patrolman by the commissioner out of state funds.

Subd. 12. **Application of subdivisions 5 to 12.** Subdivisions 5 to 12 of this section shall apply to all persons employed and designated under and pursuant to this section, except the chief supervisor of the state highway patrol. If the chief supervisor is removed for other than cause as defined herein he shall be reinstated to the position that he held in the patrol prior to being promoted to the position of chief supervisor.

[1959 c 500 art 2 s 47; 1959 c 603 s 1, 2; Ex1959 c 54 s 1; 1963 c 458 s 3; 1967 c 62 s 1; 1967 c 86 s 1]

161.48 NATIONWIDE POLICE COMMUNICATION SYSTEM. The commissioner may enter into the necessary agreements and purchase the necessary equipment for participation in a nationwide police communication system. All costs of participation in such system chargeable to the state of Minnesota shall be paid from the fund in the state treasury credited with fines and forfeited bail money. There is hereby appropriated from said fund a sufficient amount of money to carry out the provisions of this section.

[1959 c 500 art 2 s 48]

161.49 RADIO REPEATER STATION IN WISCONSIN. Subdivision 1. **Authority to acquire site.** The commissioner is authorized to acquire by gift or purchase for trunk highway uses and purposes such land in the state of Wisconsin as he may determine necessary for use as a site for and to construct, operate, and maintain thereon a radio repeater station to be used in connection with the Minnesota statewide two-way radio system operated by the Minnesota state highway patrol.

Subd. 2. **Payment of taxes and assessments.** The commissioner may in connection with the maintenance, operation, and use of the radio repeater station as provided herein pay any and all taxes or special assessments, if any, that may be assessed against said property by the state of Wisconsin or its political subdivisions or taxing districts.

Subd. 3. **Cost to be paid out of trunk highway fund.** The cost of the land acquisition, the construction, operation, and maintenance of the radio repeater station provided for herein shall be paid out of the trunk highway fund.

[1959 c 500 art 2 s 49]

161.50 APPROPRIATIONS. Subdivision 1. **Annual appropriations out of trunk highway fund.** Subject to the limitations contained in subdivisions 2 and

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3, there is appropriated annually out of the trunk highway fund the entire amount thereof or so much thereof as may be necessary for trunk highway purposes including all salaries and expenses connected with the department of highways.

Subd. 2. Abolition of annual standing appropriations. Beginning on July 1, 1961, annual standing appropriations to the department of highways for the purposes enumerated in this subdivision are abolished; all other standing appropriations now existing or hereafter enacted from the trunk highway fund to the department of highways shall remain in full force and effect unless otherwise provided by law. The standing appropriations of moneys from the trunk highway fund abolished by this subdivision are:

(a) All moneys appropriated to the department of highways, except moneys for the cost of land acquisition for roads and bridges and moneys for the construction, reconstruction, improvement, and maintenance of trunk highways, and for the personnel needed for such functions.

(b) Moneys appropriated for the state highway patrol and for the cost of administering laws relating to highway traffic regulation and safety, drivers license, and safety responsibility as provided by Minnesota Statutes, Sections 171.26, 352B.02, and other laws.

(c) Moneys appropriated for the highway patrol training program by section 161.47, subdivision 6, and the nation-wide police communication system by section 161.48. Moneys for the operation of those activities for which the appropriations are abolished by this subdivision shall be financed by specific appropriations which may be made therefor by the legislature from time to time and in the manner provided by law.

Subd. 3. Insufficient specific appropriations. If at any time after July 1, 1961, any specific appropriation made by the legislature from the trunk highway fund for the department of highways is insufficient to carry out any activity specifically enumerated in subdivision 2, the commissioner of highways, with the approval of the governor, may expend any of the moneys appropriated to the department of highways in a standing appropriation for trunk highway purposes for any of such enumerated purposes. The governor shall only grant such approval after he has consulted with the legislative advisory committee and in the same manner in which he consults such committee in other matters as provided in Minnesota Statutes, Section 3.30.

Subd. 4. Department of administration, application of statutory provisions. The department of highways shall continue to be subject to the terms and provisions of Minnesota Statutes, Chapter 16, and acts amendatory thereof, to the extent that they are applicable.

[1959 c 500 art 2 s 50; Ex1959 c 54 s 2]

NOTE: See Laws 1965 Chapter 863, Section 11.