

## Highways; Roads

## CHAPTER 160

## ROADS, GENERAL PROVISIONS

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**160.01** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.01 SCOPE OF CHAPTERS 160 TO 165.** Subdivision 1. **Designation.** For the purposes of chapters 160 through 165 the roads of this state shall be designated and referred to as trunk highways, county state-aid highways, municipal state-aid streets, county highways, and town roads. They shall be established, located, constructed, reconstructed, improved, and maintained as provided in chapters 160 through 165 and acts amendatory thereto.

Subd. 2. **Certain streets excluded.** The provisions of chapters 160 through 165 do not relate to highways or streets established by, or under the complete jurisdiction of cities except when the provisions refer specifically to such highways or streets.

[ 1959 c 500 art 1 s 1; 1973 c 123 art 5 s 7 ]

**160.011** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.012** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.013** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.02** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.02 DEFINITIONS.** Subdivision 1. **Purposes.** For the purposes of this chapter the terms defined in this section have the meanings given them.

Subd. 2. **Trunk highways.** "Trunk highways" includes all roads established or to be established under the provisions of Article 14, Section 2 of the constitution of the state of Minnesota.

Subd. 3. **County state-aid highways.** "County state-aid highways" includes all roads established in accordance with law as county state-aid highways.

Subd. 4. **County highways.** "County highways" includes those roads which have heretofore been or which hereafter may be established, constructed, or improved under authority of the several county boards, including all roads lying within the county or on the line between counties established by judicial proceedings, except those roads established, constructed, or improved by the counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957. All roads heretofore designated prior to July 1, 1957 as county-aid highways shall be county highways until abandoned or changed in accordance with law.

Subd. 5. **Municipal state-aid streets.** "Municipal state-aid streets" includes all streets within the cities having a population of 5,000 or more, established in accordance with law as municipal state-aid streets.

Subd. 6. **Town roads.** "Town roads" includes those roads and cartways which have heretofore been or which hereafter may be established, constructed, or improved under the authority of the several town boards, roads established, constructed, or improved by counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957, and all roads lying within the town established by user.

Subd. 7. **Road or highway.** "Road" or "highway" includes, unless otherwise specified, the several kinds of highways as defined in this section, and also cartways, together with all bridges or other structures thereon which form a part of the same.

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subd. 9. **Road authority.** "Road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing bodies of cities when the governing bodies or city streets are specifically mentioned.

Subd. 10. **Portage.** "Portage" means a passageway two rods in width extending from one public or navigable water to another public or navigable water or from a public or navigable water to a public highway.

Subd. 11. **Interstate bridge.** "Interstate bridge" means all bridges now existing or which shall be hereafter constructed across boundary waters between the state of Minnesota and any adjoining state thereby connecting highways of this state with the highway system of any adjoining state.

Subd. 12. **Controlled access highway.** "Controlled access highway" means any highway, street, or road, including streets within cities, over, from, or to which owners or occupants of abutting land or other persons have or are to have no right of access, or only a controlled right of the easement of access, light, air, or view.

Subd. 13. **Public property.** "Public property" means any property except streets, roads, or bridges owned by any subdivision of government, including but not limited to, the property of school districts however organized, towns, cities, municipalities, counties, and any board or commission of any thereof, and public corporations created by the laws of this state.

[ 1959 c 500 art 1 s 2; 1973 c 123 art 5 s 7; 1976 c 2 s 172; 1976 c 166 s 7 ]

160.021 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

160.03 MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.03 COMPENSATION FOR PUBLIC PROPERTY.** Whenever public property is taken, damaged, or destroyed for highway purposes, just compensation shall be paid therefor.

[ 1959 c 500 art 1 s 3 ]

160.031 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

160.04 MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.04 WIDTH OF ROADS.** Except as otherwise provided, all roads hereafter established, except cartways, shall be at least four rods wide. Additional right-of-way and easements, including easements needed for drainage, may be acquired by purchase, gift, or eminent domain proceedings when necessary for construction, maintenance, safety, or convenient public travel. The necessity for such additional right-of-way and easements shall be determined by the road authority having jurisdiction over the particular road involved.

[ 1959 c 500 art 1 s 4 ]

160.041 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

160.05 MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.05 DEDICATION OF ROADS.** Subdivision 1. **Six years.** When any road or portion thereof shall have been used and kept in repair and worked for at least six years continuously as a public highway, the same shall be deemed dedicated to the public to the width of two rods on each side of the center line thereof and be and remain, until lawfully vacated, a public highway whether the same has ever been estab-

lished as a public highway or not; provided, that nothing herein contained shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, Chapter 110. This subdivision shall apply to roads and streets except platted streets within cities.

**Subd. 2. Roads on and parallel to railroad right-of-way.** The continued use of any road by the public upon and parallel to the right-of-way of any railway company shall not constitute such a road a legal highway or a charge upon the town in which the same is situated, and no right shall accrue to the public or any individual by such use.

[ 1959 c 500 art 1 s 5; 1973 c 123 art 5 s 7 ]

**160.051** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.06** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.06 TRAIL OR PORTAGE DEDICATION.** Any trail or portage between public or navigable bodies of water or from public or navigable water to a public highway in this state which has been in continued and uninterrupted use by the general public for 15 years or more as a trail or portage for the purposes of travel, shall be deemed to have been dedicated to the public as a trail or portage. This section shall apply only to forest trails on established canoe routes and the public shall have the right to use the same for the purposes of travel to the same extent as public highways. The width of all trails and portages dedicated by user shall be eight feet on each side of the center line of the trail or portage.

[ 1959 c 500 art 1 s 6 ]

**160.061** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.07** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.07 IMPROVEMENTS WITHIN OR WITHOUT BOUNDARIES.** The road authority of any county, town or city may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads, bridges, or ferries lying beyond the boundary of and leading into such county, town or city.

[ 1959 c 500 art 1 s 7; 1973 c 123 art 5 s 7 ]

**160.071** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.08** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.08 CONTROLLED ACCESS.** Subdivision 1. **Plans.** The road authorities of the state, counties or cities acting either alone, or in cooperation with each other, or with any federal agency, or with any other state or subdivision of another state having authority to participate in the construction or maintenance of highways are authorized to plan for the designation, establishment, location, relocation, improvement, and maintenance of controlled access highways for public use whenever the road authorities determine that traffic conditions, present or future, will justify such highways.

Subd. 2. [ Repealed, 1969 c 312 s 8 ]

Subd. 3. **Traffic control.** Such road authorities are authorized to so design any controlled access highway, and to so regulate, restrict, or prohibit access as to best serve the traffic for which the highway is intended. Such road authorities are authorized to divide and separate any controlled access highway into separate roadways by the construction of raised curbsings, central dividing sections, or other physical separations, or by designating the separate roadways by signs, markers, stripes, or other devices. No person shall have any rights of ingress or egress to, from, or across controlled access highways to or from abutting lands, except at the designated points or roadways thereof where access is permitted by such road authorities upon such terms and conditions as such road authorities specify.

Subd. 4. **Acquisition of property.** Property rights, including rights of access, air, view, and light, may be acquired by said road authorities with respect to both private and public property by purchase, gift, or condemnation.

Subd. 5. **Elimination of grade intersections; additional access openings; compensation.** Such road authorities may locate, establish, and construct controlled access highways, or may designate and establish an existing street or highway as a controlled access highway. Such road authorities are authorized to provide for the elimination of grade intersections of controlled access highways with other existing streets

or highways of any kind or nature whatsoever. The elimination may be accomplished by the construction of grade separations, or the construction of an outer lane as part of the controlled access highway, or by closing off streets or highways at the right-of-way boundary of the controlled access highway. When an outer lane is constructed, the abutting owners shall have access to the outer lane unless the petition and notice in condemnation, or the highway deed in cases of purchase, clearly specifies that the right of access to the outer lane has been acquired. After the establishment of any controlled access highway no other street or highway or private entry shall be opened into or connected with any controlled access highway without the consent and prior approval of the road authority having jurisdiction over the controlled access highway. The consent and approval shall be given only if the public interest shall be served thereby. In the case of any elimination of existing access, air, view, light, or other compensable property rights, the owner shall be compensated for the loss by purchase or condemnation.

Subd. 6. **Construction limited.** None of the provisions contained herein shall be construed to limit, restrict, or nullify any rights or easements of access heretofore acquired by the state or any of its political subdivisions.

Subd. 7. **No commercial establishment within right-of-way.** No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly-owned or publicly-leased land acquired or used for or in connection with, a controlled access highway.

[ 1959 c 500 art 1 s 8; 1973 c 123 art 5 s 7 ]

**160.081** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.085 PROPOSED ACQUISITIONS BY STATE AND COUNTY ROAD AUTHORITIES; FILING FOR RECORD.** Subdivision 1. In order to facilitate the acquisition of right-of-way required for highways, state and county road authorities may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, such orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition. The map or plat shall be certified by the commissioner of transportation or his designated assistant and any registered land surveyor in the employ of the state as to trunk highways. The map or plat shall be certified as to county state-aid highways and county highways by the chairman of the county board or the county engineer or his designated assistant, and by a registered land surveyor in the employ of the county. The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Any amendments, alterations, or vacations of such orders, resolutions, maps or plats so filed may be entitled to record in like manner.

Subd. 2. Maps or plats filed for record under this section shall not operate of themselves to transfer of title to the property described and designated by appropriate parcel number but such map or plats shall be for delineation purposes.

Subd. 3. Land acquisition by the road authority for highway purposes by instrument of conveyance or by eminent domain proceedings, may refer to said map or plat and parcel number, together with delineation of the parcel as the only manner of description necessary for the acquisition.

[ 1969 c 209 s 1; 1976 c 166 s 7; 1976 c 181 s 2 ]

**160.09** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.09 CHANGE OF ROAD BY COUNTY OR TOWN BOARD.** Subdivision 1. **Change in location.** When the road authority of a county or town changes the location of a highway or road under its jurisdiction, the old road shall remain open until the new road is opened for travel. The old road or any portion thereof shall not revert to the abutting owners until vacated by the road authority in accordance with the law.

Subd. 2. **Old roads to remain open.** When the new road does not provide access to property whose only means of access was the old road, then and in that event, the portion of the old road providing the access shall remain open for travel and shall be maintained by the county or town road authority until other means of access are provided after which it may be vacated as provided by law.

Subd. 3. **Not to be vacated in certain cases.** When a county highway or town road is the only means of access to any property or properties containing an area or combined area of five acres or more, the highway or road shall not be vacated without the consent of the property owner unless other means of access are provided.

[ 1959 c 500 art 1 s 9 ]

**160.091** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.10** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.10 ROADS ON MINERAL LANDS.** Subdivision 1. **Change of location.** When any road, including any street within a city crosses mineral land and the road interferes with mining operations on the land, the owner or lessee of the land may notify the road authority of the interference and request that the road be relocated. The road authority shall, thereupon in the manner provided by law, relocate the road so as not to interfere with the mining operations. The relocated road shall be constructed to at least the engineering standards of the old road unless the road authority determines that such standards are not necessary for safety or for the convenience of public travel. All right-of-way needed for such relocation shall be provided by the owner or lessee of the land or shall be acquired by the road authority by gift, purchase, or other manner provided by law.

Subd. 2. **Buildings, structures, relocation of road.** When any road crosses any lands including mineral lands outside the limits of any city and such road interferes with the placing of buildings, structures, or other improvements on such land, the road authority may relocate the road upon the request of the owner of the land; provided that the safety and convenience of public travel shall not be impaired thereby.

Subd. 3. **Surety bond.** Before relocating such road, the road authority may require of such owner or lessee a surety bond in a sum as the road authority deems sufficient, conditioned for the payment of all damages and all costs incident to the relocation.

Subd. 4. **Construction of relocated road.** The owner or lessee may choose to construct the relocated road with his own forces or by contract, or he may elect to have the construction done in whole or in part by the road authority. The owner or lessee and the road authority shall enter into an agreement setting forth the respective responsibilities of each in accord with the provisions of this section.

Subd. 5. **Approval of plans and inspection of construction work.** If the owner or lessee elects to construct the relocated road, the design and plans therefor shall first be approved by the road authority. The road authority shall have the right to inspect the construction work as it progresses, and the construction work shall be approved by the road authority prior to the road being opened for travel.

Subd. 6. **Damages.** The owner or lessee shall be liable to the owner or occupant of any land abutting upon such road or any affected by such change to the extent of the damage sustained by reason of such change and for the recovery of which an action may be brought. All right-of-way costs and all costs of right-of-way acquisition, and all construction costs shall be paid by the owner or lessee requesting such relocation; provided, that if the road authority determines that such relocation shall be constructed to a greater width or to a higher standard than the old road, the road authority shall pay the additional right-of-way or construction costs incurred thereby.

Subd. 7. **Agreements.** When any road including streets within cities is to be established over mineral lands, or over lands containing gravel, the road authority and the owner or lessee may enter into equitable agreements to provide for the use of such lands for road purposes and for the relocation of the road whenever the road interferes with mining operations.

Subd. 8. **Section construction.** Nothing in this section shall be construed to limit the power of any road authority including road authorities of cities to vacate a road by or under any other provision of law. Nothing herein shall affect contractual rights or obligations in existence as of the date of the passage of this section between the road authority and the owner or lessee of mining lands.

[ 1959 c 500 art 1 s 10; 1973 c 123 art 5 s 7 ]

**160.101** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.11** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.11 ROAD OR STREET BUILDING MATERIALS.** Subdivision 1. **Acquisition of lands.** When the commissioner of transportation, any county board, town board, or governing body of any city, each hereinafter referred to as road authority, shall deem it necessary for the purpose of building or repairing public roads or streets within its jurisdiction, it may procure by lease, purchase, gift, or condemnation in the manner provided by law any lands within the state containing any materials suitable for road or street purposes, together with the right-of-way to the same of sufficient width to allow trucks or other vehicles to pass, and on the most practicable route to the nearest public road or street.

Subd. 2. **Sale of road or street building materials by road authorities.** Any such road authority may engage in the processing of crushed rock or other road or street building material for use on public roads or streets within its jurisdiction; and any such road authority may by agreement sell to any other road authority any rock, crushed rock, processed sand or gravel, unprocessed or pit-run sand or gravel, or other earth material suitable for road or street purposes, upon terms and conditions as may be mutually agreed upon by the parties, except that the commissioner of transportation shall not sell processed gravel, processed sand, or crushed rock.

Subd. 3. [ Repealed, 1971 c 290 s 3 ]  
[ 1959 c 500 art 1 s 11; 1965 c 836 s 1; 1971 c 290 s 1,2; 1973 c 123 art 5 s 7; 1976 c 166 s 7 ]

**160.111** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.12** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.12 TEMPORARY ROADS AROUND CONSTRUCTION.** When a road authority determines that construction or maintenance work on a public highway under its jurisdiction requires a temporary road around the portion of the highway under construction or maintenance, the road authority may by order or resolution establish and construct a temporary road adequate for such purpose and procure the necessary right-of-way therefor in the manner provided by law.

[ 1959 c 500 art 1 s 12 ]

**160.121** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.13** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.13 LIGHTING AND MARKING HIGHWAYS.** Road authorities may light or mark highways and appurtenances thereon and may install other safety devices as they deem necessary in the interests of safety and convenient public travel.

[ 1959 c 500 art 1 s 13 ]

**160.131** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.14** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.14 MARKING BOUNDARIES OF HIGHWAYS.** Subdivision 1. **Placing marking devices.** Road authorities may place and shall thereafter preserve and maintain suitable monuments or other marking devices in such manner as to clearly indicate the boundary lines of highways. The commissioner is authorized to engage the services of registered land surveyors to perform land survey work as required for location or re-establishment of section corners, establishment of the boundary of highway right-of-way together with boundary monumentation. If the commissioner employs and engages a registered land surveyor for such work the land surveyor shall be in responsible charge of the work performed by his employees in connection with the assignment. The location of the boundary markings may be described by course distance and bearing or delineated in the same manner on a plat or map showing location of said marking devices and filed with the county recorder or registrar of titles in the county where the highways are located.

Subd. 2. **Service of notice upon abutting land owners.** The road authority shall serve written notice of such markings upon abutting land owners within 30 days after the placement of the marking devices. Unless written objections are served and filed within one year thereafter, as hereinafter provided, the boundary lines of the highways as marked shall be final and conclusive.

Subd. 3. **Reservation of rights of abutting owners.** Within one year after the notice, any abutting owner may serve upon the road authority signed written objections to the highway boundaries as marked, specifying wherein he believes the boundaries

as marked to be in error. A copy thereof executed in accordance with section 507.24 shall be filed with the county recorder in the county where the highway is located. The service and filing of the objections shall preserve the rights of the abutting owner in and to the land in controversy until the boundaries of the highway are judicially determined or until agreed to by the abutting owner and the road authority.

**Subd. 4. Judicial determination.** Within 12 months after the service and filing of the objections, the road authority or the abutting owner shall serve and file a note of issue with the clerk of the district court in the county in which the land is located. The court shall determine the correctness of the placing of the monuments or marking devices. Except as herein otherwise provided the procedure shall be governed by the rules governing civil actions. When the matters shall have been finally determined, the location of such monuments or markers shall be in accordance with the court decree and the determination of the location shall be final. A copy of the court decree shall be filed by the road authority with the county recorder.

[ 1959 c 500 art 1 s 14; 1969 c 208 s 1; 1976 c 181 s 2 ]

**160.141** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.15** MS 1953 [ Repealed, 1957 c 943 s 72 ]

### **160.15 PRESERVATION OF SECTION OR QUARTER SECTION CORNERS.**

**Subdivision 1. Permanent marking of section or quarter section corners.** Whenever the construction, reconstruction, or maintenance of a public highway, including city streets, causes the destruction or obliteration of a known section or quarter section corner marking or monument, it shall be the duty of the road authority having jurisdiction over the highway or street to provide for the permanent marking of such corners and to place reference or witness monuments so that the corners can be readily located.

**Subd. 2. Manner of placement.** The permanent marking of the corners and establishment of reference or witness monuments shall be in the manner following: At the exact location of the corner there shall be placed a stone, concrete, or metal marker not less than four inches in diameter at the top and not less than 18 inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth.

**Subd. 3. Time of placement.** Reference or witness monuments evidencing the location of the corner shall be established before the obliteration of the corner in at least two places most practicable and shall consist of stone, concrete, or cast iron.

**Subd. 4. Filing of certificate.** The engineer or surveyor placing and establishing the markers or monuments shall file a certificate to that effect in the office of the county recorder in the county or counties wherein the markers or monuments were placed. Each certificate shall contain only the record of markers and monuments at one corner. The county recorder may charge a fee of 50 cents for each certificate filed.

**Subd. 5. Contents of certificate.** The certificates shall be on sheets of durable material, which sheets shall be in size 8 1/2 by 11 inches with a margin at the left for binding. The certificates shall contain the following:

- (a) Identification of section, or quarter section corner.
- (b) Description of monument removed.
- (c) Description of replacement monument.
- (d) Reference ties or witness monuments.
- (e) Statements relating to physical and parol evidence relating to history and authenticity of the corner monument.
- (f) Date of remonumentation.
- (g) Certification by a registered surveyor or registered engineer.

**Subd. 6. Cost of placing markers.** The cost of placing the markers and monuments, including filing fees, shall be paid out of the respective funds provided by law, or set aside for highway or street purposes.

[ 1959 c 500 art 1 s 15; 1971 c 598 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2 ]

**160.151** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.16** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.16 WARNING SIGNS AND DETOUR SIGNS.** Subdivision 1. **Contract to provide for warning signs.** Whenever the road authorities enter into a contract for the construction or improvement of any road, culvert, or bridge thereon they shall, as a condition of the contract, provide therein that the contractor shall place suitable warning signs at the highways intersecting the road so to be constructed or improved warning the public that the road under construction or improvement is impassable at a designated place or distance from the warning sign. The signs shall be placed at such places as will obviate unnecessary travel by persons not otherwise aware of the impassable condition of the roads. Nothing in the provisions of chapters 160 through 165 shall make any town, county, or the state liable in damages for the failure of the road authorities to provide in any contract for the erection of a warning sign as is herein provided for, or the failure of any contractor to erect same in accordance herewith.

Subd. 2. **Contractor to place detour signs.** The contractor, foreman, or person in charge of work or repairs on any public road shall, when the doing of the work or repairs necessitates the closing of a part of the road to traffic, post signs stating that the road is under repair and describing the direction and distance of the detour necessary to avoid the part of the road being repaired. The signs shall be posted at the intersection of the road under repair with the road to be traveled while detouring and at appropriate intervals along the road.

Subd. 3. **Barricades.** The road authorities may also provide, by contract or otherwise, for the erection of barricades, fences or other obstructions so as to prevent traffic from entering any impassable section of road or a section closed to public travel.

[ 1959 c 500 art 1 s 16 ]

**160.161** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.17** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.17 ROAD CONSTRUCTION CONTRACTS; COUNTIES AND TOWNS.** Subdivision 1. **Plans and specifications to be filed in certain cases.** No contract for the construction or improvement of any road by a county or town wherein the contract price exceeds \$3,500 shall be let unless the plans and specifications for such construction or improvement are on file in the office of the county auditor and a true copy thereof available for reference in the office of the county highway engineer with respect to county and county state-aid highways, and with the town clerk with respect to town roads.

Subd. 2. **Advertisement for bids.** No county or town road contract for construction or improvement exceeding \$3,500 shall be let without first advertising for bids in a newspaper of general circulation published in the county where the construction or improvement is proposed to be done. The advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten days before the time fixed for receiving bids and letting the contract. It shall specify, generally, the work to be done, the place where the plans and specifications are on file, and the time and place of receiving bids and awarding the contract.

Subd. 3. **Final payment.** Final payment shall not be made on any contract for road work by any county or town board until the engineer or person in charge of the work has certified to the county board or the town board, as the case may be, that the work has been done and performed according to contract and the certificate shall have been filed in the office of the county auditor or town clerk.

Subd. 4. **Misdemeanors.** Any county auditor or any town clerk who issues a warrant or an order in final payment upon a road contract where the amount involved in the contract exceeds the sum of \$200 before the certificate provided for in subdivi-



sion 3 shall have been filed shall be guilty of a misdemeanor.

[ 1959 c 500 art 1 s 17; 1969 c 613 s 1,2 ]

NOTE: As to county contracts, see also section 375.21.

As to town contracts, see also section 365.37.

See also section 471.345.

**160.171** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.18** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.18 ACCESS TO ROADS; APPROACHES.** Subdivision 1. **Culvert to be furnished on existing highways.** Except when the easement of access has been acquired, the road authorities, other than town boards and county boards, as to highways already established and constructed shall furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for suitable approach to such highway. A town board shall furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for suitable approach to a town road, provided that at any annual town meeting the electors of any town may by resolution authorize the town board to require that all or part of the costs of the furnishing of all culverts on the town roads of such town be paid by the abutting owner. A county board, by resolution, shall, before furnishing any culverts after August 1, 1975, establish a policy for the furnishing of a culvert to an abutting owner when a culvert is necessary for suitable approach to a county and state-aid road, and such policy may include provisions for the payment of all or part of the costs of furnishing such culverts by the abutting landowner.

Subd. 2. **Approaches to newly established highways.** Except when the easement of access has been acquired, the road authorities in laying out and constructing a new highway or in relocating or reconstructing an old highway shall construct suitable approaches thereto within the limits of the right-of-way where the approaches are reasonably necessary and practicable, so as to provide abutting owners a reasonable means of access to such highway.

Subd. 3. **Approaches to serve particular uses.** The owner or occupant of property abutting upon a public highway, having a right of direct private access thereto, may provide such other or additional means of ingress from and egress to the highway as will facilitate the efficient use of the property for a particular lawful purpose, subject to reasonable regulation by and permit from the road authority as is necessary to prevent interference with the construction, maintenance and safe use of the highway and its appurtenances and the public use thereof.

[ 1959 c 500 art 1 s 18; 1975 c 24 s 1 ]

**160.181** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.19** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.19 DRAINAGE DITCH CROSSING RAILROAD RIGHT-OF-WAY.** When a road authority constructs a drainage ditch to drain a highway over lands acquired for that purpose and the ditch crosses the right-of-way of any railroad, it shall be the duty of the railroad company upon demand of the road authority to forthwith carry the ditch under and across its right-of-way. The cost of carrying the ditch under or across the railroad shall be divided proportionately between the road authority and the railroad company on the basis of benefits accruing to each. Nothing in this section shall apply to or affect a county ditch, judicial ditch, or public drainage system.

[ 1959 c 500 art 1 s 19; 1961 c 87 s 1 ]

**160.191** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.20** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.20 DRAINAGE.** Subdivision 1. **Connecting drains to highway drains.** When the course of natural drainage of any land runs to a highway, the owner of the land shall have the right to enter upon the highway for the purpose of connecting his drain or ditch with any drain or ditch constructed along or across the highway, but before making the connections he shall first obtain a written permit for the connections from the road authority having jurisdiction. The connections shall be made in ac-

cordance with specifications set forth in the permits. The road authority shall have power to prescribe and enforce reasonable rules and regulations with reference to the connections. The highway shall be left in as good condition in every way as it was before the connection was made.

Subd. 2. **Constructing tile drain across highway.** If any person desires during construction or reconstruction of a highway to install a tile drain for agricultural benefits in a natural drainage line in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the right of way and the tile line must be projected across the right of way to a suitable outlet, the expense of both material and labor used in installing the tile drain across the roadbed shall be paid from funds available for the roads affected provided the road authority is notified of the necessity of the tile drain in advance of the construction of the roadbed so that the drain may be placed and the roadbed constructed in the same operation.

[ 1959 c 500 art 1 s 20 ]

**160.201** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.201 PUBLIC ROAD DITCHES.** Subdivision 1. **Improving and draining.** For the purpose of draining public roads and preventing accumulations of water in road ditches, the overflow of which may damage adjacent lands, the various authorities having supervision over public roads, in addition to all other powers granted to said authorities, are authorized and empowered to expend moneys from funds available therefor in repairing, cleaning out, deepening, widening and improving public road ditches within the jurisdiction and supervision of such authorities. The necessity for such work shall be determined by the authorities which now have the supervision of said public roads; provided, that before said work may be done said road supervising authority shall determine that said road ditch as so improved will be provided with an adequate outlet.

Subd. 2. **Rental of ditch machinery by county board to municipalities.** The county board of any county now or hereafter owning machinery or equipment used in the construction and maintenance of ditches may lease such machinery and its incidental appliances to municipalities within such county upon such rate of rental and upon such terms and conditions as the county board may prescribe.

[ 1945 c 36 ]

**160.21** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.21 SNOW REMOVAL.** Subdivision 1. **Agreements.** Road authorities, including road authorities of cities, may contract with each other for the construction and maintenance of, or removal of snow from, any or all highways under their supervision. Such road authorities may also contract with any agency or political subdivision of the state, including but not limited to school districts and public sanatoriums, for the removal of snow from publicly owned lands thereof.

Subd. 2. **Removal from private property.** The road authority of any county or town may remove snow from private property upon payment of not less than the cost thereof when such snow removal does not unduly delay or interfere with the removal of snow from public highways under its jurisdiction.

Subd. 3. **Disposition of money.** All money received for snow removal shall be paid into the respective funds provided by law, or set aside, for highway or street purposes.

Subd. 4. **Emergency snow removal.** Any road authority including road authorities of cities may remove snow from any road or highway in cases of emergency.

Subd. 5. **Deemed employees of hiring authority.** All persons while engaged in snow removal or other work as provided in this section shall be deemed for all purposes the employees of the road authority hiring them.

[ 1959 c 500 art 1 s 21; 1973 c 123 art 5 s 7 ]

**160.211** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.215 SNOW REMOVAL; USE OF SALT OR CHEMICALS RESTRICTED.** In order to:

(1) Minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation;

- (2) Reduce the pollution of waters; and
- (3) Reduce the driving hazards resulting from chemicals on windshields;

road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time.

[ 1971 c 622 s 1; 1973 c 123 art 5 s 7 ]

**160.22** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.22 TREES.** Subdivision 1. **Planting of trees.** Road authorities may plant and tend trees and shrubs along highways in rural areas in a manner so as to protect the highways from drifting snow. In like manner, with the written consent of the abutting landowner, trees and shrubs may be planted and tended outside the limits of the highways.

Subd. 2. **Consent for removal.** The trees and shrubs shall not thereafter be removed without the consent of the road authority.

Subd. 3. **Acquisition of trees and hedges.** The road authorities may acquire by purchase, gift, or condemnation all trees and hedges within the limits of a highway. Thereafter if the road authority determines that the trees and hedges acquired within the limits of a highway under its jurisdiction interfere with the safety and convenience of public travel thereon, or interfere with the construction, reconstruction, or maintenance thereof, it may cut and remove the trees and hedges without notice, and may dispose of the trees and hedges in such manner as it deems proper.

Subd. 4. **Removal of trees and hedges not acquired by road authorities.** When the trees and hedges have not been acquired, the road authority may cut and remove trees and hedges from within the limits of highways under its jurisdiction when the road authority determines that the trees and hedges interfere with the maintenance or reconstruction of the highway or interfere with the safety and convenience of public travel thereon.

Subd. 5. **Hearings.** Prior to ordering the cutting and removal of trees and hedges not acquired, the road authority shall fix a time and place of hearing in the county where the lands are located to consider the cutting and removal of such trees and hedges. The owners of the abutting land shall be given written notice of the hearing at least ten days prior to the date fixed therefor. At the hearing the abutting owners shall be given the opportunity to be heard.

Subd. 6. **Notice of determination.** After the hearing the road authority shall serve notice upon the abutting owners of its determination as to the trees and hedges. A copy of the order or resolution shall be attached to the notice.

Subd. 7. **Appeal from determination to remove.** Any abutting owner may, within 30 days from the receipt of the notice required in subdivision 6, appeal to the district court from the determination by filing with the clerk of the court a notice of appeal, together with a bond of not less than \$500, approved by the court, conditioned to pay all costs arising from the appeal in case the determination of the road authority is sustained. The notice of appeal shall state the grounds thereof and a copy shall be forwarded to the road authority. The appeal shall be entered upon the court calendar for trial at the next general term of court, and either party shall be entitled to a jury trial.

Subd. 8. **Disposition of timber and wood.** Upon written notice of a determination to cut and remove the trees and hedges, the road authority may proceed to cut and remove the same. The timber and wood so cut and removed shall belong to the abutting owners, and the road authority shall cause the wood and timber to be placed upon the abutting owner's property adjacent to the highway, doing no unnecessary damage to such property. In case the abutting owner notifies the road authority that he does not want the timber or wood, the road authority shall dispose of the wood and timber in such manner as it deems proper.

Subd. 9. **Removal of trees by abutting owner.** No person shall cut or remove trees or hedges acquired by the road authority unless the road authority shall have first consented to the cutting or removal.

Subd. 10. **Exception; town roads.** Trees, hedges and other shrubs or plants within the limits of any town road and not acquired by the town as provided in subdivision 3, may be cut and removed without regard to the provisions of subdivisions 5 and 6 when they interfere with the maintenance or reconstruction of the road or with the safety and convenience of the public; provided that the town gives written notice to the abutting owner of its intention to cut and remove 14 days before taking such action and the abutting owner does not request a hearing during that period. The notice shall plainly advise the abutting owner of his right to a hearing. If the abutting owner requests a hearing within the time required the town shall proceed in accordance with subdivisions 5 and 6, and this subdivision shall not apply. The timber and wood cut pursuant to this subdivision shall be disposed of in accordance with subdivision 8.

[ 1959 c 500 art 1 s 22; 1977 c 216 s 1,2 ]

**160.221** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.23** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.23 DESTRUCTION OF NOXIOUS WEEDS.** Road authorities, including road authorities of cities shall cause all noxious weeds on their respective highways and streets to be cut down or otherwise destroyed or eradicated as often as may be necessary to prevent the ripening or scattering of seed and other propagating parts of such weeds.

[ 1959 c 500 art 1 s 23; 1973 c 123 art 5 s 7 ]

**160.231** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.24** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.24 LOGGING RAILROADS ACROSS HIGHWAYS.** Subdivision 1. **Permission to locate.** The road authorities may grant to the owner of any logging railroad permission to locate, construct, and maintain a logging railroad across any highway under their jurisdiction.

Subd. 2. **Contents of permit.** The permit shall specify the place at which such railroad shall cross the highway, the time during which it may be maintained thereon, which shall in no case exceed five years, the manner of its construction and maintenance, and the measures that shall be taken for the protection of the highways and of the public using the highways.

Subd. 3. **Control by road authority.** The construction and maintenance of the railroad crossing shall be under the supervision and control of the road authority granting the permit.

Subd. 4. **Removal from highway.** The person to whom the permit is granted shall, at the expiration of the time therein limited or at such earlier time as the crossing is no longer necessary, remove the railroad therefrom and restore the highway to such condition as the authority granting the permit shall require.

Subd. 5. **Surety bond.** Every person to whom the permit is granted shall execute and deliver to the road authority granting the permit a good and sufficient surety bond in such sum as shall be fixed by the road authority granting the permit, conditioned for the compliance with and performance of all of the terms and conditions of the permit and of this section.

[ 1959 c 500 art 1 s 24 ]

**160.241** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.25** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.25 TUNNELS UNDER HIGHWAYS.** Subdivision 1. **Permit to construct.** The road authorities may permit any owner or lessee of land abutting both sides of a highway to tunnel under the highway for such purposes as the owner or lessee deems desirable in utilizing the lands. The tunnel and appurtenances thereto shall be constructed and maintained so as not to endanger or unduly inconvenience the public in the use of the highway and, except as hereinafter provided, shall be constructed by the owner or lessee at his expense.

Subd. 2. **Contents of permit.** The permit shall specify the location, size, kind, design, manner of construction of the tunnel, and such safeguards for the traveling public that the road authority deems necessary. All tunnels, bridges, and appurtenances thereto shall be constructed in accordance with the permit.

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Subd. 3. **Tunnel to be maintained by road authority.** Any tunnel constructed as provided in this section under any highway shall be maintained by the road authority having jurisdiction over the highway.

Subd. 4. **Agreements for construction and maintenance.** When any road authority determines that the construction of such tunnel is necessary for the safety and convenience of public travel, it may construct and maintain the tunnel, or it may enter into agreements with the abutting landowners for the equitable division of the costs of the construction.

[ 1959 c 500 art 1 s 25 ]

**160.251** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.26** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.26 MOVING BUILDINGS OVER HIGHWAYS.** Subdivision 1. **To be moved without unnecessary interference.** Buildings or structures moved or caused to be moved upon, across, or along any road or street, including city streets, shall be moved in such manner as not to unnecessarily interfere with, damage, or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, cables, or any appurtenance upon the road or street.

Subd. 2. **Permit.** Buildings or structures together with the vehicle or vehicles moving same of a size or weight exceeding the maximums specified in chapter 169 and acts amendatory thereto shall not be moved or caused to be moved upon, across, or along any road or street without first obtaining a written permit from the road authority including road authorities of cities having supervision over such road or street. The county board as to highways under its jurisdiction may authorize the county engineer to issue the permits.

When a permit is granted by the commissioner for the moving of buildings or structures exclusively on trunk highways no other permit shall be required from any political subdivision of the state for the moving of such buildings or structures on such trunk highways. When a permit is granted by the county board or county engineer for the moving of buildings or structures exclusively on highways under the jurisdiction of the county board no other permit shall be required from any political subdivision for moving such buildings or structures on such county highways.

Subd. 3. **Surety bond.** The road authority, as a condition to granting the permit, may require a surety bond in such sum as it deems necessary conditioned for the payment of all damages caused by the moving of the structures or buildings over the roads or streets.

Subd. 4. **Cost of removing fences, poles.** No person, firm, or corporation shall be required to displace or temporarily remove his or its fences, poles, wires, cables, or other appurtenances to permit the moving of any building or structure upon, along, or across the road or street, nor shall guard rails and appurtenances placed upon the road or street be displaced or moved for like reason until the reasonable cost of the displacement, removal, and replacement shall have been paid or tendered.

Subd. 5. **Not to apply to road building or maintenance equipment.** The provisions of this section shall not apply to road building or maintenance equipment while operating on a road or street under construction or maintenance.

[ 1959 c 500 art 1 s 26; 1961 c 748 s 1; 1973 c 123 art 5 s 7 ]

**160.261** MS 1957 [ Renumbered 218.025 ]

**160.262 RECREATIONAL VEHICLE LANES.** Subdivision 1. The legislature determines that it is in the interests of the public health, safety and welfare, to provide for the addition of bicycle and recreational vehicle lanes to proposed and existing public highways. The state planning agency shall conduct a study:

(1) to propose model standards for the establishment of bicycle and recreational vehicle lanes on and along proposed and existing public highways, and

(2) to determine methods, other than the use of bonds, for financing the bicycle and recreational vehicle lanes. The results of the study shall be forwarded to the commissioner of transportation no later than July 1, 1974.

No later than January 1, 1975, the commissioner of transportation shall promulgate, in the manner provided in chapter 15, model standards for the establishment of recreational vehicle lanes on and along proposed and existing public highways. In the

study undertaken by the state planning agency and in the promulgation of the model standards by the commissioner, the model standards shall include but not be limited to the following: (a) criteria for desirability of such a lane in any given location, (b) provision for maintenance of such lanes, and (c) the placement of such lanes in relation to roads. The model standards shall govern state trunk highways.

Subd. 2. Each county and municipality including towns having statutory city powers may adopt the model standards to govern highways under its jurisdiction and may adapt them to local circumstances. Such local regulations shall be submitted to the commissioner of transportation who shall approve them within 60 days after receipt if he finds that they meet the minimum standards established pursuant to this section. Approved local regulations shall qualify the submitting unit of government for state or state approved funding of recreational vehicle lane projects undertaken pursuant to such regulations.

Subd. 3. The following departments and agencies shall cooperate in providing the information and advice for the study by the state planning agency and the promulgation of model standards and amendments thereto by the commissioner of transportation: the departments of agriculture, transportation, economic development, natural resources, public service, the state planning agency, and the state soil and water conservation board. The commissioner may cooperate with and enter into agreements with the United States government, any department of the state of Minnesota, any unit of local government and any public or private corporation in order to effect the purposes of this section.

[ 1973 c 123 art 5 s 7; 1973 c 620 s 1; 1975 c 271 s 6; 1976 c 149 s 59; 1976 c 166 s 7 ]

**160.263 BICYCLE LANES AND WAYS.** Subdivision 1. **Definitions.** As used in this section, "bicycle lane" means that portion of a roadway set aside by the governing body of a political subdivision having jurisdiction over the roadway for the exclusive use of bicycles or other vehicles propelled by human power and so designated by appropriate signs and markings; and "bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles or other vehicles propelled by human power by the governing body of a political subdivision.

Subd. 2. **Powers of political subdivisions.** The governing body of any political subdivision may by ordinance:

(a) Designate any roadway or portion thereof under its jurisdiction as a bicycle lane.

(b) Designate any sidewalk or portion thereof under its jurisdiction as a bicycle way provided that the designation does not destroy a pedestrian way or pedestrian access.

Subd. 3. **Designation of lane.** A governing body designating a sidewalk or portion thereof as a bicycle way, or a highway or portion thereof as a bicycle lane under this section may:

(a) Designate the type and character of vehicles or other modes of travel which may be operated on a bicycle lane or bicycle way, provided that the operation of such vehicle or other mode of travel is not inconsistent with the safe use and enjoyment of the bicycle lane or bicycle way by bicycle traffic.

(b) Establish priority of right-of-way on the bicycle lane or bicycle way and otherwise regulate the use of the bicycle lane or bicycle way as it deems necessary.

(c) Paint lines or construct curbs or establish other physical separations to exclude the use of the bicycle lane or bicycle way by vehicles other than those specifically permitted to operate thereon.

The designating governing body may, after public hearing, prohibit through traffic on any highway or portion thereof designated as a bicycle lane, except that through traffic may not be prohibited on a trunk highway. The designating governing body shall erect and maintain official signs giving notice of the regulations and priorities established under this subdivision, and shall mark all bicycle lanes and bicycle ways with appropriate signs.

Subd. 4. **Speed on street with bicycle lane.** Notwithstanding section 169.14, subdivision 5, the governing body of any political subdivision, by resolution or ordinance and without an engineering or traffic investigation, may designate a safe speed for any street or highway under its authority upon which it has established a bicycle lane;

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provided that such safe speed shall not be lower than 25 miles per hour. The ordinance or resolution designating a safe speed is effective when appropriate signs designating the speed are erected along the street or highway, as provided by the governing body.

[ 1976 c 199 s 15 ]

**160.264 REPLACEMENT OF BICYCLE AND PEDESTRIAN WAYS.** Whenever an existing bicycle lane, bicycle way, pedestrian way or roadway used by bicycles or pedestrians or the sole access to such is destroyed by any new, reconstructed or relocated federal, state or local highway, the road authority responsible shall replace the destroyed facility or access with a comparable facility or access. Replacement is not required where it would be contrary to public safety or when sparsity of population, other available ways or other factors indicate an absence of need for such facility or access.

[ 1976 c 199 s 16 ]

**160.265 BICYCLE TRAIL PROGRAM.** Subdivision 1. **State bicycle trails.** The commissioner of transportation shall establish a program for the development of bicycle trails primarily on existing road rights of way. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall include a system of bicycle trails to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bicycle trails primarily on existing road rights of way. The program shall be coordinated with the local park trail grant program established by the state planning agency pursuant to section 4.36, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the statewide transportation plan pursuant to section 174.03, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bicycle trails in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the trails. The metropolitan council, the commissioner of natural resources, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 15.

Subd. 2. **Local bicycle trail grants.** The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails. The commissioner shall make grants to units of government as defined in section 4.36, subdivision 1, for the betterment of public land and improvements needed for local bicycle trails. In making grants the commissioner shall consider, among other factors, the number of bicycles in the localities. A grant shall not exceed 75 percent of the costs of the betterment of the bicycle trail. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the trail. The commissioner may adopt emergency rules pursuant to section 15.0412 to commence the grant program immediately.

[ 1977 c 421 s 5 ]

**160.27 MS 1953 [ Repealed, 1957 c 943 s 72 ]**

**160.27 PARTICULAR USES OF RIGHT OF WAY; MISDEMEANORS.** Subdivision 1. **Public notices.** With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city streets.

Subd. 2. **Benches and shelters for persons waiting for street cars and buses.** Benches and shelters for the convenience and comfort of persons waiting for street cars or buses may be placed and maintained within the limits of any street or highway, including streets and highways within cities, when a license or permit therefor is

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first obtained from the road authority. The owners may place advertising on the benches and shelters if authorized by the license or permit, provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter. The benches shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

Subd. 3. **Outdoor telephone booths.** Outdoor telephone booths may be placed and maintained within the limits of any public highway, including city streets, when authorized by a written permit issued by the proper road authority.

Subd. 4. **Customs inspection facilities.** United States customs inspection facilities may be placed and maintained within the limits of any public highway, including city streets, when a written permit is issued for such facilities by the proper road authority.

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

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

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

Subd. 6. **Removal of unauthorized advertisements, buildings, or structures in or on a public highway.** The road authorities may take down, remove, or destroy any advertisement, building or structure in or upon any highway in violation of this section.

[ 1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1977 c 334 s 1 ]

**160.271** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.275** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.28** MS 1953 [ Repealed, 1957 c 943 s 72 ]

**160.28 PLANS FOR REST AREAS, TOURIST INFORMATION CENTERS AND WEIGH STATIONS.** The provisions of any other law to the contrary notwithstanding, the commissioner of transportation is hereby authorized to cause to be prepared plans and specifications and detailed designs for the construction of buildings and facilities for rest areas, tourist information centers in combination with rest areas, and weigh



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stations when he deems such buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

[ 1967 c 167 s 1; 1976 c 166 s 7 ]

**160.281** MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]

**160.281 TOURIST INFORMATION CENTER IN SOUTH DAKOTA.** Subdivision 1. **Authority to acquire site.** The commissioner of transportation is authorized to enter into an agreement with appropriate officials of the federal government and the state of South Dakota, to acquire by gift or purchase for trunk highway uses and purposes such land in the state of South Dakota as he may deem necessary for use as a site for and to construct and operate thereon a combination rest area and tourist information center, which center shall be located not more than one mile west of the Minnesota-South Dakota state lines, along the eastbound lane of Interstate 90.

Subd. 2. **Operation and maintenance of center.** The personnel who shall operate the center authorized by subdivision 1, shall be employees of the state of Minnesota. However, the commissioner of transportation may enter into an agreement with the appropriate officials of the state of South Dakota, under which the maintenance to be provided to the center itself and the site in toto may be provided by persons not employees of the state of Minnesota, which persons may be employees of the state of South Dakota. The agreement may provide for reasonable compensation.

Subd. 3. **Payment of taxes and assessments.** The commissioner may, in connection with the construction, maintenance, operation, and use of the center, pay any and all taxes or special assessments, if any, that may be assessed against said property by the state of South Dakota or its political subdivisions or taxing districts. Provided, however, that nothing in this subdivision shall be construed to authorize the commissioner to pay any tax or special assessment which would not be required to be paid by the state of South Dakota for similarly held and used property.

Subd. 4. **Costs to be paid out of trunk highway fund.** The cost of the land acquisition, the construction, operation, and maintenance costs as agreed, of the center provided for herein shall be paid out of the trunk highway fund.

[ 1969 c 89 s 1-4; 1976 c 166 s 7 ]

**160.282 REST AREAS AND TOURIST INFORMATION CENTERS; CONTRACTS FOR MAINTENANCE SERVICES.** Notwithstanding any other statute to the contrary, the commissioner of transportation may negotiate contracts, with or without requiring the submission of bids therefor, for the providing of maintenance services for interstate and trunk highway rest stop and tourist information centers. The terms and conditions of such contracts shall be as agreed upon and shall be such as to promote and encourage the employment of needy, elderly persons.

[ 1969 c 157 s 1; 1976 c 166 s 7 ]

NOTE: Laws 1969, Chapter 157, Section 2, reads:

"Sec. 2. **Appropriation.** There is hereby appropriated to the commissioner of highways, from any moneys in the state treasury credited to the trunk highway fund not otherwise appropriated, a sufficient sum of money to carry out the provisions of section 1."

**160.283 RESORT INFORMATION SIGNS; PURPOSE.** Subdivision 1. It is hereby found and declared that the development and promotion of the tourist industry is important to the economic welfare of the state. It is further found that the control and regulation of outdoor advertising and the consequential removal of certain advertising devices has adversely affected many resorts through such regulation and control of outdoor advertising is in the general interest of the people and is necessary to conserve the natural beauty of areas adjacent to highways and roads of the state. The legislature finds that in order to alleviate hardships on the tourist industry caused by limitations imposed on the use of outdoor advertising along certain local highways and roads and to also conserve the natural beauty of areas adjacent to such local highways and roads, it is necessary that devices, directional in nature, be erected on certain local highways and roads as hereinafter provided for the purpose of guiding tourists and other travelers to their destination, and that such directional devices be standardized and the design therefor and distribution thereof be controlled by the department of transportation with the counties participating therein.

Subd. 2. The provisions of sections 160.283 to 160.285 only apply to directional devices or signs that may be erected pursuant to the provisions of sections 160.283 to 160.285 on those county state-aid highways, county highways and town roads within one-half mile of areas that have restrictions on the erection of advertising devices along or adjacent thereto imposed under the applicable provisions of chapter 173.

Subd. 3. For the purposes of sections 160.283 to 160.285 the term "resort" shall be as defined in Minnesota Statutes 1969, Section 157.01.

[ 1971 c 675 s 1; 1976 c 166 s 7 ]

**160.284 DESIGN; CONTRACT FOR MANUFACTURE.** The department of transportation shall design a sign of such size and dimension and of a type sufficient to provide directional information, on slats designed for that purpose, for at least five individual resorts. The department of transportation shall contract for the construction or manufacture of such signs, either with private industry or through some agency of the state. All such signs shall be of a standard size and design.

[ 1971 c 675 s 2; 1976 c 166 s 7 ]

**160.285 COUNTY PARTICIPATION.** Subdivision 1. Any county of this state is authorized to expend county road and bridge funds for the purchase of such signs from the department of transportation, and for the erection of such signs along or adjacent to highways under their jurisdiction or along and adjacent to town roads within the county. A certified copy of the resolution of the board of county commissioners authorizing the purchase of a specified number of such signs shall be forwarded to the department of transportation. The cost of such signs to the counties shall be 100 percent of the actual cost to the department of transportation for the purchase of the signs. The counties may sell the signs to any person, provided that the sale price shall be 75 percent of the cost of such signs to the county.

Subd. 2. Any county participating shall erect such signs at its own expense as it deems necessary on those county state-aid highways, county highways and town roads designated in section 160.283, subdivision 2 provided that such signs shall be erected in a manner acceptable to the department of transportation and shall not be erected closer than 500 feet from trunk highways forming a part of the interstate system as provided in section 173.16, subdivision 4, clause (4), or closer than 300 feet from other trunk highways as provided in section 173.16, subdivision 4, clause (5).

Subd. 3. All money received from the purchase of signs from any county shall be deposited in the state treasury and credited to a special account to be known as the local sign account. All money in such account is appropriated to the department of transportation for use in carrying out the provisions of sections 160.283 to 160.285.

[ 1971 c 675 s 3; 1973 c 35 s 33; 1976 c 166 s 7 ]

**160.29 MS 1953 [ Repealed, 1957 c 943 s 72 ]**

**160.29 VACATION OF PUBLIC WAYS; EFFECT.** Subdivision 1. For purposes of this section the term "municipality" means any city, county or town. The term "public way" means any highway, road, street, cartway, alley or lane or other publicly owned interest in real property which is open to the free passage and use of the public.

Subd. 2. In proceedings under statute or charter to vacate a public way or portion thereof, a municipality may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

[ 1971 c 461 s 1,2; 1973 c 123 art 5 s 7 ]

**160.291 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]**

**160.30 MS 1953 [ Repealed, 1957 c 943 s 72 ]**

**160.301 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]**

**160.31 MS 1953 [ Repealed, 1957 c 943 s 72 ]**

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## ROADS, GENERAL PROVISIONS

- 160.311 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.32 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.321 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.33 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.331 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.34 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.341 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.35 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.351 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.36 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.361 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.37 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.371 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.38 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.381 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.39 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.391 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.40 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.401 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.41 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.411 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.42 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.421 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.43 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.431 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.432 MS 1945 [ Repealed, 1949 c 672 s 7 ]
- 160.433 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.435 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.44 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.441 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.45 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.451 MS 1957 [ Renumbered 161.115 ]
- 160.46 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.461 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.47 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.471 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.475 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.48 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.481 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.49 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.491 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.50 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.501 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.51 MS 1953 [ Repealed, 1957 c 943 s 72 ]
- 160.511 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.512 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.513 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]
- 160.52 MS 1953 [ Repealed, 1957 c 943 s 72 ]

- 160.521 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.53 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.531 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.54 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.541 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.55 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.551 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.56 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.561 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.57 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.571 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.58 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.581 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.59 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.591 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.60 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.601 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.61 MS 1953 [ Renumbered 169.901 ]  
160.611 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.62 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.621 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.63 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.631 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.64 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.641 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.65 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.651 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.66 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.661 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.67 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.671 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.68 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.681 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.69 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.691 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.692 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.70 MS 1953 [ Repealed, 1957 c 943 s 72 ]  
160.701 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]  
160.702 MS 1957 [ Repealed, 1959 c 500 art 6 s 13 ]