

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 160.20 ROADS, GENERAL PROVISIONS

rules that apply to the installations. When any installation is made pursuant to this subdivision the highway shall be left in as good condition in every respect as it was before the installation was made.

(b) Any road authority may accept applications for permits for installation of drain tile along or across the right-of-way of a highway under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting any permit. Permits for installation along a highway right-of-way shall insure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. No permit shall allow any open trenches to be left on the right-of-way after installation of drain tile is completed. A road authority that grants a permit for drain tile installation shall not be responsible for any damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(c) Any person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this subdivision is guilty of a misdemeanor.

(d) The commissioner shall take no action pursuant to this subdivision which will result in the loss of any federal aid for highway construction in this state.

(e) For the purpose of this subdivision "highway" means any highway as defined in this chapter which is located outside the corporate limits of any home rule charter or statutory city.

[ 1979 c 294 s 1 ]

## 160.27 Particular uses of right of way; misdemeanors.

[For text of subd 1, see M.S.1978]

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, permit or franchise therefor is first obtained from the road authority. The owners may place advertising on the benches and shelters if authorized by the license, permit or franchise, 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.

The council of any city may, by public negotiation or bid, grant franchises for the construction, operation or maintenance of bus shelters and benches on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not preclude the requirement for obtaining permits from the appropriate road authority having jurisdiction for construction within the limits of any trunk highway, county highway, or county state-aid highway.

On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the construction, operation or maintenance of bus shelters and benches on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority.

[For text of subds 3 to 6, see M.S.1978]

[ 1979 c 275 s 1 ]

## CHAPTER 161. DEPARTMENT OF TRANSPORTATION AND TRUNK HIGHWAY SYSTEM

Sec.  
161.123 Highway construction; prohibitions.  
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# MINNESOTA STATUTES 1979 SUPPLEMENT

## DEPARTMENT OF TRANSPORTATION AND TRUNK HIGHWAY SYSTEM 161.321

### 161.123 Highway construction; prohibitions.

Following May 31, 1975 the department of transportation shall not cause any construction on, nor shall any lands be acquired for, any of the trunk highways designated as I-335; proposed I-394 between I-494 and the Hawthorne interchange; nor for any extension or connector of the Dartmouth interchange of the interstate route designated as I-94, except for a connection from Fulton Avenue and Huron Street to University Avenue Southeast and 25th Avenue Southeast generally via Huron Street and 25th Avenue Southeast; nor shall the department construct or improve Legislative Route No. 116, marked trunk highway route No. 55, within the city of Minneapolis, to freeway or expressway standards; provided, that nothing in this section shall be construed to prohibit the department from taking the following actions:

(1) Construction of a parkway facility of not more than four lanes of traffic in the corridor previously designated for I-335 in the city of Minneapolis.

(2) Construction of not more than six lanes of travel on Legislative Routes No. 10 and No. 107 marked TH12 between I-494 and the Hawthorne interchange in the city of Minneapolis, provided that no additional lands shall be acquired for any such purpose except which is necessary for construction of six lanes of travel on said highway.

(3) Generally utilizing and widening present lanes of travel, increasing the number of lanes of travel up to but not exceeding six lanes, and upgrading Legislative Route No. 116 within the city of Minneapolis generally along its present traveled corridor.

(4) Preparation of any environmental impact statements, recreational and other land use reports, and other elements of the planning process required by federal and state law, utilizing the most reasonably recent available data, on the following:

Routes and corridors enumerated above and all feasible and prudent alternate routes and corridors, giving the fullest possible consideration to each, without regard to prior authorization or to whether legislative approval or other action is necessary. In the preparation of such environmental impact statements the commissioner shall analyze and evaluate:

(a) Design modifications which may mitigate any adverse environmental impact; and

(b) The recommendations of the metropolitan council, transportation advisory board, and interstate study committee as reported to the legislature pursuant to Laws 1975, Chapter 203, Section 16; and

(c) All other matters required of an environmental impact statement by applicable state and federal laws.

Any highway facility authorized by this section shall be compatible with the immediate residential areas through which it passes. Upon the completion of any highway facility authorized herein, any right-of-way previously acquired within the utilized corridor and not needed for the construction and maintenance of such facility, shall be transferred to the city within which such excess right-of-way is located, for public purposes, or sold for utilization in a manner compatible with the immediate residential area through which it passes, such excess right-of-way being determined by order of the commissioner. The transfer shall be evidenced by a quit claim deed, in such form as the attorney general approves, executed by the governor in the name of the state of Minnesota to such city.

The commissioner of transportation shall consider a parkway or other alternatives for that portion of the trunk highway designated as I-35 or Route No. 390 in the city of Duluth.

[ Ex1979 c 1 s 15 ]

### 161.321 Small business contracts.

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given them, except where the context clearly indicates a different meaning is intended.

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## 161.321 DEPARTMENT OF TRANSPORTATION AND TRUNK HIGHWAY SYSTEM

(a) "Award" means the granting of a contract in accordance with all applicable laws, regulations and rules governing competitive bidding except as hereinafter specifically modified.

(b) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(c) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in clause (b).

[For text of subds 2 to 6, see M.S.1978]

[ 1979 c 246 s 1 ]

### 161.465 Reimbursement for fire services.

Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire or easing or eliminating the danger of fire or explosion within the right-of-way of any state trunk highway, or outside the right-of-way if the fire originated within the right-of-way, upon approval of a police officer or an officer or employee of the department of transportation or department of public safety shall, upon certification to the commissioner of transportation by the proper official of the municipality or fire department, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of transportation shall take whatever action practicable to secure reimbursement to the trunk highway fund of moneys expended pursuant to this section from the person, firm or corporation responsible for the fire or danger thereof.

The provisions of this section shall not be construed to admit any state liability for damage or destruction to private property or for injury to persons resulting from a fire that originates within a trunk highway right-of-way.

[ 1979 c 108 s 1 ]

## CHAPTER 162. STATE-AID SYSTEM

Sec.		Sec.	
162.02	County state-aid highway system.	162.13	Formula.
162.07	Apportionment of moneys to counties.	162.155	Rules.
162.09	Municipal state-aid street system.		

### 162.02 County state-aid highway system.

[For text of subds 1 to 3, see M.S.1978]

Subd. 3a. **Variations, rules and engineering standards.** The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner shall publish notice of the request in the state register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within 20 days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

[For text of subds 4 to 11, see M.S.1978]

[ 1979 c 167 s 2 ]