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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3526

02/19/2020 Authored by Sundin
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; requiring road authorities to notify the owner of a private
1.3 road prior to conducting work on the road; amending Minnesota Statutes 2018,
1.4 section 160.05, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 160.05, subdivision 1, is amended to read:

1.7 Subdivision 1. Six years. (a) When any road or portion of a road has been used and kept
1.8 in repair and worked for at least six years continuously as a public highway by a road
1.9 authority, it shall be deemed dedicated to the public to the width of the actual use and be
1.10 and remain, until lawfully vacated, a public highway whether it has ever been established
1.11 as a public highway or not. Nothing contained in this subdivision shall impair the right,
1.12 title, or interest of the water department of any city of the first class secured under Special
1.13 Laws 1885, chapter 110. This subdivision shall apply to roads and streets except platted
1.14 streets within cities. If a road authority fails to give the notice required by paragraph (b),
1.15 this subdivision does not apply.

1.16 (b) Before a road authority may make any repairs or conduct any work on a private road
1.17 as defined by section 169.011, subdivision 57, the road authority must notify the owner of
1.18 the road of the intent to make repairs or conduct work on the private road. The notice must
1.19 be sent to the owner by certified mail. The notice must specify the segment of road that is
1.20 the subject of the notice and state the duration of the repairs or work. The notice must include
1.21 the following: "Pursuant to Minnesota Statutes, section 160.05, your private road may be
1.22 deemed to be dedicated to the public if the following conditions are met for six continuous
1.23 years: (1) the road is used by the public; and (2) the road is repaired or worked on by a road

- 2.1 authority. This means that the road will no longer be a private road but will be a public road.
- 2.2 You will not receive compensation from the road authority when the road is dedicated to
- 2.3 the public."