

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2161

(SENATE AUTHORS: EKEN)

DATE
03/18/2021

D-PG
1068

Introduction and first reading
 Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to transportation; amending the requirements for detour designations;
 1.3 establishing an appeals process; amending Minnesota Statutes 2020, section 161.25.

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

1.5 Section 1. Minnesota Statutes 2020, section 161.25, is amended to read:

1.6 **161.25 TEMPORARY TRUNK HIGHWAY DETOUR; HAUL ROAD.**

1.7 Subdivision 1. Official detours and haul roads. (a) If, for the purpose of constructing
 1.8 or maintaining any trunk highway, the use of any public street or highway is necessary for
 1.9 a detour or haul road, the commissioner ~~may~~ must designate any such street or highway as
 1.10 a an official temporary trunk highway detour or as a temporary trunk highway haul road,
 1.11 and shall thereafter maintain the same as a temporary trunk highway until the commissioner
 1.12 revokes the designation. A local unit of government may request that the commissioner
 1.13 designate an official detour or haul road. Upon receiving the request, the commissioner
 1.14 must evaluate the request and must designate an official detour or haul road unless the
 1.15 commissioner determines that the request is unreasonable.

1.16 (b) When designating an official detour or haul road, the commissioner must notify the
 1.17 local unit of government of the need of a detour or haul road and submit proposed routes
 1.18 for the detour or haul road. The local unit of government must be allowed to have input on
 1.19 which route is preferable or propose an alternative route. The commissioner must enter into
 1.20 an agreement with the local unit of government to designate the official detour or haul road.
 1.21 The agreement must, at a minimum, include a description of the condition of the road at
 1.22 the time the agreement is signed, the method for determining damage to the road during its

use as an official detour or haul road, how damage will be measured and assessed, and which party is responsible for monitoring the condition of the road.

(c) The commissioner must provide adequate signage to mark detours and haul roads.

Subd. 2. **Unofficial detours.** As an alternative to an official detour, the commissioner and a local unit of government may enter into an agreement for an unofficial detour as a means to compensate the local unit of government for increased maintenance costs associated with the increase of traffic on local roads. The agreement must, at a minimum, include a description of the condition of the road at the time the agreement is signed, the method for determining damage to the road during its use as a detour or haul road, how damage will be measured and assessed, and which party is responsible for monitoring the condition of the road. A local unit of government may request that the commissioner enter into an agreement for an unofficial detour. Upon receiving the request, the commissioner must evaluate the request and must enter into an agreement for an unofficial detour unless the commissioner determines the request is unreasonable.

Subd. 3. **Restoration; damages.** Prior to revoking the designation of an official or unofficial detour or haul road, the commissioner shall restore such ~~streets or highways~~ roads to as good condition as they were prior to the designation of ~~same~~ as temporary trunk highways. Upon revoking the designation, the street or highway shall revert to the subdivision charged with ~~the~~ its care ~~thereof~~ at the time it was taken over as a temporary trunk highway.

Subd. 4. **Damages; no detour or haul road designated.** (a) A local unit of government may notify the commissioner if traffic is increased on the local streets that are not designated as an official or unofficial detour or haul road and the increase in traffic is related to a construction project of the department. The district office must promptly assess the condition of the roads subjected to increased traffic. Once the construction project is complete and traffic volume returns to the pre-construction level, the commissioner must again assess the condition of the road. The commissioner must restore such roads to as good condition as they were in during the initial assessment.

(b) As an alternative to paragraph (a), if traffic is increased on the local streets that are not designated as an official or unofficial detour or haul road and the increase in traffic is related to a construction project of the department, the local unit of government may monitor the condition of the road and assess the damage incurred as a result of the increased traffic for the purpose of requesting reimbursement from the commissioner to pay for the damage to the road. Upon submitting proof of the increased volume of traffic and the increased damage to the roads, the commissioner must either pay the requested amount of damages

3.1 or restore such roads to as good condition as they were in during the initial assessment. The
3.2 local unit of government must notify the commissioner of the intent to make such a request
3.3 at the time the local unit of government begins the initial assessment of the condition. The
3.4 commissioner may also make assessments of the condition of the road.

3.5 Subd. 5. **Appeal.** (a) If the local government and the commissioner cannot agree to any
3.6 terms of the agreement required by this section, the amount or extent of damage, or how
3.7 much work is required to restore the road to its prior condition, either party may request a
3.8 decision by an appeal board. The appeal board must consist of one member appointed by
3.9 the commissioner, one member appointed by the local unit of government, and a third
3.10 member agreed upon by both the commissioner and the local unit of government. If the
3.11 commissioner and the local unit of government cannot agree upon the third member, the
3.12 chief justice of the supreme court shall appoint a third member within 14 days of the request
3.13 being made to the chief justice.

3.14 (b) Within 30 days after the appeal board is established, the appeal board shall hold a
3.15 hearing at which the commissioner and the local unit of government may present the
3.16 arguments on the issues in contention. The appeal board shall make a decision no later than
3.17 30 days after the hearing. Unless otherwise agreed by the parties, the recommendations are
3.18 final and are binding on the commissioner and local unit of government.