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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2387

03/23/2021

Authored by Quam

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to transportation; requiring town approval before a county road reverts to

1.3 the town; amending the speed limit for rural residential districts; amending

1.4 requirements for utilities to restore roads after excavation or other use; amending

1.5 Minnesota Statutes 2020, sections 163.11, subdivision 5a; 169.14, subdivision 2;

1.6 237.163, subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2020, section 163.11, subdivision 5a, is amended to read:

1.9 Subd. 5a. **Hearing on reversion to town.** Before adopting a resolution revoking a county

1.10 highway that would revert in whole or in part to a town, the county board shall fix a date,

1.11 time and place of hearing in the town where the highway is located to consider the revocation.

1.12 Not less than 30 days before the hearing, the county board shall serve notice of the hearing

1.13 by certified mail on each member of the town board of supervisors. At the hearing the town

1.14 board and all interested persons shall be entitled to be heard and express their views on the

1.15 proposed reversion of the highway to the town. After the hearing the county board may

1.16 adopt a resolution revoking the highway. The resolution revoking the highway shall not be

1.17 effective until the following conditions are met:

1.18 (1) the county has completed repairs or improvements on the highway that are necessary

1.19 to meet the county standards for a comparable road in the county in which the town is

1.20 located; ~~and~~

1.21 (2) the county has properly recorded with the county recorder all county interest in real

1.22 estate used for the highway; and

2.1 (3) the township board adopts a resolution accepting the reversion of the highway and
2.2 transmits that resolution to the county board.

2.3 Sec. 2. Minnesota Statutes 2020, section 169.14, subdivision 2, is amended to read:

2.4 Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be
2.5 lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed
2.6 is not reasonable or prudent and that it is unlawful; except that the speed limit within any
2.7 municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

2.8 (1) 30 miles per hour in an urban district;

2.9 (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02,
2.10 subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;

2.11 (3) 55 miles per hour in locations other than those specified in this section;

2.12 (4) 70 miles per hour on interstate highways outside the limits of any urbanized area
2.13 with a population of greater than 50,000 as defined by order of the commissioner of
2.14 transportation;

2.15 (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with
2.16 a population of greater than 50,000 as defined by order of the commissioner of transportation;

2.17 (6) ten miles per hour in alleys;

2.18 (7) 25 miles per hour in residential roadways if adopted by the road authority having
2.19 jurisdiction over the residential roadway; and

2.20 (8) 30 or 35 miles per hour in a rural residential district if adopted by the road authority
2.21 having jurisdiction over the rural residential district.

2.22 (b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road
2.23 authority has erected signs designating the speed limit and indicating the beginning and end
2.24 of the residential roadway on which the speed limit applies.

2.25 (c) A speed limit adopted under paragraph (a), clause (8), is not effective unless the road
2.26 authority has erected signs designating the speed limit and indicating the beginning and end
2.27 of the rural residential district for the roadway on which the speed limit applies.

2.28 (d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person
2.29 who violates a speed limit established in this subdivision, or a speed limit designated on an
2.30 appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more

3.1 in excess of the applicable speed limit, is assessed an additional surcharge equal to the
3.2 amount of the fine imposed for the speed violation, but not less than \$25.

3.3 Sec. 3. Minnesota Statutes 2020, section 237.163, subdivision 3, is amended to read:

3.4 Subd. 3. **Restoration.** (a) A telecommunications right-of-way user, after an excavation
3.5 or use of a public right-of-way, shall provide for restoration of the right-of-way and
3.6 surrounding areas, including the pavement or other driving surface and ~~its~~ the pavement or
3.7 driving surface's foundation, in the same condition that existed before the excavation or
3.8 use. Local government units that choose to perform their own surface restoration required
3.9 as a result of the excavation or use may require telecommunications right-of-way users to
3.10 reimburse the reasonable costs of that surface restoration. A local government unit may
3.11 require the utility to provide financial security for the excavation or use of the public
3.12 right-of-way. The local government may use such financial security for the restoration of
3.13 the public right-of-way. Restoration of the public right-of-way must be completed within
3.14 the dates specified in the right-of-way permit, unless the permittee obtains a waiver or a
3.15 new or amended right-of-way permit.

3.16 (b) If a telecommunications right-of-way user elects not to restore the public right-of-way,
3.17 a local government unit may impose a degradation fee in lieu of restoration to recover costs
3.18 associated with a decrease in the useful life of the public right-of-way caused by the
3.19 excavation or use of the right-of-way by a telecommunications right-of-way user.

3.20 (c) A telecommunications right-of-way user that disturbs uncultivated sod in the
3.21 excavation or obstruction of a public right-of-way shall plant grasses that are native to
3.22 Minnesota and, wherever practicable, that are of the local eco-type, as part of the restoration
3.23 required under this subdivision, unless the owner of the real property over which the public
3.24 right-of-way traverses objects. In restoring the right-of-way, the telecommunications
3.25 right-of-way user shall consult with the Department of Natural Resources regarding the
3.26 species of native grasses that conform to the requirements of this paragraph.