

Highways; Roads

CHAPTER 160

GENERAL PROVISIONS RELATING TO ROADS

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160.01 SCOPE OF ACT; DEFINITIONS. Subdivision 1. **Construction.** The provisions of Chapters 160, 161, 162, 163, and 164 shall be construed as relating solely to roads not included within the limits of any city, village, or borough, except when highways within cities, villages, or boroughs are specifically mentioned. For the purposes of Chapters 160, 161, 162, 163, and 164, the roads of this state shall be designated and referred to as "trunk highways," "state aid roads," "county roads," and "town roads," and shall be laid out, constructed, improved, repaired, and maintained by the authorities set forth in Chapters 160, 161, 162, 163, and 164, as therein provided.

Subdivision 2. **Trunk highways.** The words "trunk highways" shall be construed to include all roads established, or to be established, under the provisions of the Constitution of the State of Minnesota, Article 16.

Subdivision 3. **State aid roads.** The words "state aid roads" shall be construed to include all roads which have heretofore been designated as state roads, or which may hereafter be designated as state aid roads, except such as may be, or have heretofore been, annulled or changed, and except such as may be included in the trunk highway system.

Subdivision 4. **County roads.** The words "county roads" shall be construed to include those which have heretofore been, or which hereafter, as provided in Chapters 160, 161, 162, 163, and 164, may be, established, constructed, or improved

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under the authority of the several county boards, except those heretofore designated as state roads, and also all roads lying within the county, or on the line between counties, established by judicial proceedings.

Subdivision 5. Town roads. The words "town roads" shall be construed to include those roads and cartways which have heretofore been, or which, as provided by Chapters 160, 161, 162, 163, and 164, hereafter may be, established, constructed, or improved under the authority of the several town boards, and also all roads lying within the town established by user.

Subdivision 6. Road, highway. The words "road" or "highway," whenever used in Chapters 160, 161, 162, 163, and 164, shall mean, unless otherwise specified, the several kinds of highways, as defined in this section, and also cartway, street, alley, avenue, boulevard, together with all bridges or other structures thereon which form a part of the same.

Subdivision 7. Owner. Persons lawfully occupying United States or state lands shall be considered the owners thereof for the purposes of Chapters 160, 161, 162, 163, and 164.

[1921 c. 323 ss. 1, 2, 7] (2542, 2543, 2548)

160.02 WIDTH OF ROADS. All roads, except cartways, established by town and county boards, shall be at least four rods wide and when necessary for the construction and maintenance or the safety of public travel additional right of way and easements for the erection of snow fences may be procured by purchase or condemnation, and the necessity for the taking of such additional right of way and such easements shall be determined by the town board, in the case of town roads, and by the county board, in the case of county roads.

[1921 c. 323 s. 3; 1923 c. 439 s. 1; 1927 c. 227 s. 1] (2544)

160.03 WIDTH OF BRIDGES AND CULVERTS. All bridges, culverts, and approaches thereto, on any trunk highway or state aid road hereafter established, constructed or improved, shall be at least 24 feet wide; and all bridges, culverts, and approaches thereto, on any road other than a trunk highway or state aid road hereafter established, constructed or improved, except cartways, shall be at least 20 feet wide.

[1921 c. 323 s. 4; 1939 c. 314; 1943 c. 82 s. 1] (2545)

160.04 RAILROAD BRIDGE OVER HIGHWAY. When any railroad company shall hereafter construct or substantially reconstruct a bridge over a public highway the same shall be constructed so as to leave a clear opening for the highway at least 28 feet wide and at least 14 feet clear space from the surface of the highway to the bottom of the bridge; provided, that the requirement for the clear opening for the highway may be modified by the commissioner of highways upon plans approved by him.

[1921 c. 323 s. 5; 1939 c. 393] (2546)

160.05 HIGHWAY BRIDGE OVER RAILROAD. Any bridge hereafter constructed on any public highway over the tracks of any railroad shall be at least 24 feet wide, the approaches thereto shall be at least 28 feet wide, and the grade of such approach shall not exceed five feet rise in 100 feet. Such bridge shall leave a clear space above the railroad rails of at least 21 feet measured vertically; provided, that the requirements for the width of the bridge and for the width of the approach may be modified by the commissioner of highways upon plans approved by him.

[1921 c. 323 s. 6; 1939 c. 392] (2547)

160.06 TRUNK HIGHWAYS. All trunk highways shall be located, constructed, improved, and maintained by the state. The state is hereby vested with all rights, title, easements, and appurtenances thereto appertaining, held by, or vested in any of the counties or any legal subdivisions thereof, or dedicated to the public use prior to the time any such road is taken over by the state as a trunk highway.

[1921 c. 323 s. 8] (2549)

160.07 STATE AID ROADS. All state aid roads shall be constructed, improved, and maintained by the counties under rules and regulations to be made and promulgated by the commissioner of highways, and the several counties are vested with all rights, title, easements, and appurtenances thereto appertaining, held by, or vested in any of the towns or municipal subdivisions thereof, or dedicated to the public use prior to the time such road is designated a state aid road.

[1921 c. 323 s. 9] (2550)

160.08 COUNTY ROADS. All county roads shall be established, constructed, and improved by the several county boards. The town through which any county road may pass shall maintain and keep it in repair; provided, that in counties having a population of 150,000 or over the several towns thereof shall have no jurisdiction over county roads.

[1921 c. 323 s. 10] (2551)

160.09 TOWN ROADS. All town roads shall be located, constructed, repaired, and maintained by town boards; provided, that county boards may aid in the construction, repair, and maintenance of such roads.

[1921 c. 323 s. 11] (2552)

160.10 TOWN CLERKS TO REPORT MILES OF HIGHWAY. On or before June first of every odd-numbered year, the clerk of each town shall file with the county auditor of his county a verified written statement showing the number of miles of public highways within the town under the supervision and jurisdiction of the town board.

[1931 c. 131 s. 1] (2552-1)

160.11 COUNTY AUDITOR TO REPORT TO COMMISSIONER OF HIGHWAYS. On or before September first of each odd-numbered year, the auditor of each county shall make and file with the commissioner of highways a verified written statement showing the number of miles of public highways within the county, other than trunk highways, whether under the jurisdiction of the county or the towns therein.

[1931 c. 131 s. 2] (2552-2)

160.12 TRUNK HIGHWAYS SINKING FUND. The proceeds of the tax imposed and collected on motor vehicles shall constitute the trunk highway sinking fund.

On or before the first Tuesday in April each year, the commissioner of highways, the state auditor, and the state treasurer shall determine the sum of money required during the year beginning on the first Tuesday in April for the payment of principal and interest of any bonds which may have been issued and sold under the provisions of the Constitution of the State of Minnesota, Article 16, Section 4.

After such sum shall have been determined, which shall be evidenced by an order of the commissioner of highways, the state auditor, and the state treasurer (a majority of whom may act), the moneys in or accruing to the trunk highway sinking fund in excess of such requirements shall be transferred to the trunk highway fund. Not less than 40 per cent of the funds so transferred shall be set aside by the commissioner of highways to be expended in providing for the adequate maintenance of the trunk highway system in the several counties of the state, and not more than four per cent of the sum set aside for maintenance shall be used in any one county in any one year.

The proceeds of the sale of bonds, as authorized by the Constitution of the State of Minnesota, Article 16, moneys received from time to time from the federal government as aid in the construction or maintenance of roads, license fees or charges imposed by law upon motor vehicles or the operators thereof, except wheelage tax, so-called, which may be imposed by any borough, city, or village, and moneys otherwise allotted or appropriated therefor or otherwise accruing thereto shall be paid into the state treasury and credited to the trunk highway fund.

Moneys set apart for the payment of principal and interest on trunk highway bonds issued by the state and on highway bonds issued by counties and assumed by the state shall be invested, upon request of the commissioner of highways, the state auditor, and the state treasurer, by the state board of investment in the class of securities specified in section 11.01 and acts supplemental thereto. All interest and profit from such investments, and all interest earned on moneys in the trunk highway sinking fund and in the trunk highway fund in the state treasury, shall be credited to the fund on which such interest or profit is earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section.

[1921 c. 323 s. 15; 1923 c. 439 s. 3½] (2556)

160.13 TEMPORARY LOANS TO TRUNK HIGHWAY FUND BY STATE TREASURER. For the purpose of supplying deficiencies in the trunk highway fund, the state treasurer may temporarily loan from other public funds a sum not exceeding in the aggregate the amount of federal aid allotted to the construction of roads under project appropriation by the federal government; provided, that no fund shall be so impaired thereby that all proper demands thereon cannot be met; provided, that if the federal aid is not paid, the state treasurer shall transfer to such

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other public funds from the state highway fund such amount as may be necessary to pay any loan or loans made hereunder.

[1923 c. 339 s. 1] (2559-1)

160.14 DUTIES OF COMMISSIONER OF HIGHWAYS. Before the state treasurer shall be authorized to grant a loan, as provided in section 160.13, the commissioner of highways shall file with the state auditor and the state treasurer a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government.

[1923 c. 339 s. 2] (2559-2)

160.15 SECTION LINE ROADS. In towns which have not been organized or in which no public roads have been established, the section lines shall be considered public roads, to be opened to the width of two rods on each side of such lines upon the order of the county or town board, as the case may be, without any survey being had unless it be necessary on account of variations caused by natural obstacles, subject to the provisions of chapters 160 to 164 in relation to the assessment of damages and the right to appeal.

[1921 c. 323 s. 46] (2586)

160.16 APPEAL. Subdivision 1. **Who may appeal.** Any person aggrieved by any determination of a county or town board or of a town board and city or village council either establishing, altering, or discontinuing, or refusing to establish, alter, or discontinue, any public road, or, by any award of damages made by such town or county board, may appeal therefrom within 30 days after the filing of such determination or award to the district court of the county by filing with the clerk of such court a bond in the sum of not less than \$250.00, approved by the judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal in case the determination or award is sustained and by service of a notice of appeal as provided herein.

Subdivision 2. **Taxpayer may appeal.** In case the town or county board determines to establish, alter, or discontinue a road, or refuses so to do, any taxpayer of the county, as to a county road, and any taxpayer of the town, as to a town road, through which such road or any part thereof passes shall have the same right of appeal.

Subdivision 3. **Notice of appeal.** The notice of appeal shall state briefly the grounds of appeal, whether it relates to the damages assessed, or to the establishing, altering, or discontinuing of a road, or to the refusal so to do, and whether it is taken to reverse entirely the decision of the board, or some portion thereof; and, if the latter, what portion. It shall be signed by the party appealing or his attorney and be served upon the chairman of the town or county board, as the case may be. A copy thereof when the appeal is from the action of a county board shall be filed with the auditor of the county, and when from the action of a town board with the clerk of each town in which such road may be located.

Subdivision 4. **Trial.** Such appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than 20 days after the appeal is perfected. Except where the parties otherwise agree the court or jury shall reassess the damages unless such reassessment is rendered unnecessary by the determination of other matters involved; but the proceedings of the court or jury shall be based upon the same principles which the board was required to follow in its determination. Upon final judgment being rendered, the clerk of the district court shall file a certified transcript thereof with the county auditor, if the appeal was taken from the action of the county board, or with the clerk of each town affected by such determination, if the appeal was taken from the action of a town board. If the determination appealed from be affirmed or if the damages be reduced, the appellant shall pay the costs and disbursements; but, if such damages be increased or such determination be altered, modified, or reversed otherwise than as to amount of damages, such costs and disbursements shall be paid by the town or county, as the case may be; the same to be fixed and allowed as in other cases and judgment entered therefor in like manner.

Subdivision 5. **Board to conform to orders of court.** When on appeal the determination of any town or county board is reversed or altered the board from whose determination such appeal was taken shall proceed to establish, alter, or vacate such road in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if such board had originally so determined to establish, alter, or vacate such road; provided, that where an appeal is or has been taken

involving only the amount of damages awarded by a county board, the county board may in its discretion notwithstanding such appeal proceed forthwith to establish, alter, or vacate such road and open, construct, alter, or change the same as though no such appeal had been taken, but in such case the county shall forthwith, upon the final determination of such appeal, pay to the person entitled thereto such damages and costs as shall be awarded on such appeal. The amount of damages finally determined and awarded, whether by the town or county board, or by the court or jury, together with the charges of officers and other persons necessarily employed in establishing, altering, or vacating any road, shall be audited by the board making the original assessment. Such board shall in its report of such audit specify the amount of damages and charges due each individual and such amounts shall be certified to by the board so auditing the same and, in the case of town roads, deposited with the town clerk and paid by the town and in the case of county roads, with the county auditor and paid by the county. Before any town road is opened or used, an amount of town orders equal to the damages assessed for each individual shall be duly issued and deposited with the town clerk for the use and benefit of such individual and delivered to him on demand. The issuing and depositing of such orders shall be deemed to be sufficient security for the payment of the damages assessed.

[1921 c. 323 s. 48] (2588)

160.17 ESTABLISHED ROADS. Every road established by the public authorities, where no appeal has been taken within the time limited therefor, is hereby declared to be a public road to all intents and purposes and all persons who have neglected to appeal within the time prescribed by law shall be forever debarred from any further redress.

[1921 c. 323 s. 49] (2589)

160.18 TRAILS AND PORTAGES DEDICATED BY PUBLIC USER. Any trail or portage between navigable bodies of water 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 by the user 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 such trail or portage.

[1923 c. 115 s. 1] (2585-2)

160.19 DEDICATION BY USER. 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 road whether the same has ever been established as a public highway or not.

[1921 c. 323 s. 50] (2590)

160.20 USE OF 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 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.

[1921 c. 323 s. 51] (2591)

160.21 ALTERATION OF ROAD. When a road shall be changed by order of a county or town board the road as it existed before the change shall remain open to public travel for two years from the date of the order; but the board may vacate such road within such two years when it deems the new road to be fit for public travel at all times of the year.

[1921 c. 323 s. 52] (2592)

160.22 REMOVAL OF FENCES. When a town or a county board has established a road through enclosed, cultivated or improved lands under any of the provisions of chapters 160 to 164 and its decision has not been appealed from or, if appealed from, its order has been sustained it shall give each owner or occupant of land through which such road is established 20 days' notice in writing to remove his fences and, if he does not remove them within such time, it shall cause them to be removed and the road to be opened and worked.

[1921 c. 323 s. 54] (2594)

160.23 WARNING SIGNS BY CONTRACTORS. Subdivision 1. **Contracts, clause to require placing of warning signs.** When a town board, county board, or the commissioner of highways shall enter into a contract for the construction and improvement of any road or any culvert or bridge thereon they shall, as a condition of such contract, provide therein that the contractor shall place suitable warning signs at the highways intersecting such road so to be constructed or improved warning the public, if such is the case, that such road so under construction or improvement is impassable at a designated place or distance from such warning sign. Such signs shall be placed at such places as will obviate the necessity of unnecessary travel by persons not otherwise aware of the impassable condition of such roads. Nothing in the provisions of chapters 160 to 164 shall make any town, county, or the state liable in damages for the failure of a town or county board or the commissioner of highways to provide in any contract for the erection of a warning sign, such as is herein provided for; or the failure of any contractor to erect same in accordance with the provisions of chapters 160 to 164.

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

[1921 c. 323 s. 57; 1923 c. 439 s. 12] (2597)

160.24 SIDE ROADS. The county board of each county and the town board of each town may establish side roads and ford crossings adjacent to or near any bridge over a stream in its county or town, when such bridge was built at an expense of not less than \$1,000 and forms a part of a public road. Such side road shall intersect such main road at the nearest practicable point. It shall not be less than two, nor more than four, rods wide. In all other respects the same proceedings shall be had as are required by law for establishing county or town roads, as the case may be.

[1921 c. 323 s. 58] (2598)

160.25 DETOURS. The commissioner of highways, in the case of construction work on trunk highways, the county board, in the case of construction work on state aid and county roads, and the town board, in the case of construction work on town roads, may by suitable order or resolution establish a temporary road around such construction work and procure the necessary right of way by purchase or condemnation in the manner provided by statute.

[1921 c. 323 s. 59] (2599)

160.26 DRAINAGE OF ROADS. Subdivision 1. **Petition for drainage ditch.**

(1) When a road which has been or is to be constructed or improved into, through, or over a swamp, bog, or other low land and it is necessary or expedient that a ditch or ditches should be constructed or opened across private lands, a petition for such ditch or ditches may be made as hereinafter provided; which shall contain an affidavit setting forth the above named facts and the probable length, width, and depth of such ditch or ditches, the termini and general course of the same, a description of the land or lands over which such ditch or ditches will pass, the names of the owners thereof, if known, and that such road cannot, without extraordinary expense, be made passable or maintained unless such ditch or ditches are constructed or opened.

(2) In the case of a town or county road, such petition may be made by the town road overseer of the town in which such road is located or by two resident freeholders of such town and filed with the town clerk of such town, who shall notify the town board accordingly.

(3) In the case of a county or state aid road, such petition may be made by the county highway engineer of the county in which such road is located and filed with the auditor of such county, who shall present the same to the county board at the next regular or special meeting.

(4) In the case of a trunk highway, such petition may be made by the commissioner of highways and filed with the clerk of the district court in the county where such ditch or the greater portion thereof is proposed to be located.

Subdivision 2. **Civil engineer appointed.** Upon the filing of the petition as herein provided the town board, the county board, or the judge of the district court, as the case may be, shall appoint and order a competent civil engineer to make a

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survey of the proposed ditch or ditches and make a report thereupon to such board or court, as the case may be, which report shall include a map of the territory affected, showing the land and public roads or highways likely to be affected by the ditch or ditches proposed to be constructed to furnish drainage to such highways and include a profile showing the depth and size of such ditch or ditches, and, if a tile drain, the size and depth of the tile. Such report shall also contain an estimate of the damages and benefits which will accrue to each tract of land or public road affected by reason of the construction of such ditch or ditches. The county board may appoint the county highway engineer, or the judge of the district court may appoint an employee of the highway department, to make such survey and report.

Subdivision 3. Hearing upon report of engineer. Upon the filing of such report with the town clerk, the county auditor, or clerk of the district court, as the case may be, the auditor or clerk shall immediately notify the board or judge, as the case may be, of the filing of the report and the auditor or clerk, with the approval of the board or judge, shall fix a time and place for a hearing thereon not less than six, nor more than 60, days from the date of filing of such report.

Subdivision 4. Notice of hearing, service, affidavit. The auditor or clerk, as the case may be, shall personally or by any person whom he shall authorize for that purpose serve upon each owner of land which may be affected, if a resident of the county, upon the occupants of such lands where the owners are not residents of the county, a notice of such hearing, together with a statement of the estimated damages or benefits against the land of such owner. The auditor or clerk shall also send a copy of such notice, together with a statement of estimated damages or benefits, to the chairman of any county or town board, or the commissioner of highways, charged with the supervision of any road or highway affected.

The person serving such notice shall make and file a report thereof, stating the facts; and, if it appears from such returns that the owners of such lands, or any of them, are not residents of the county, or no occupant resides on the lands, then the auditor or clerk shall cause three weeks' published notice to be given, which shall be deemed sufficient notice.

Subdivision 5. Order of board or court. At the time and place specified in the notice, the board or court, as the case may be, shall hear any reasons for or against the laying out, location, or construction of the ditch or ditches and all evidence offered by any interested person, relative to the pecuniary advantage or disadvantage which will accrue to any tract of land or public road by reason of the establishment and construction of such ditch or ditches and determine upon the advisability of opening or constructing such ditch or ditches. If the board or court determines that it is expedient and advisable to open and construct such ditch, it shall make an order establishing and opening the same and assess the money value of the damages in excess of the benefits, if such damages exceed the benefits, which damages in its judgment will be just and equitable compensation to the owner of any tract of land for the right to open or construct the ditch or ditches onto, through, or over his land, including the right to enter upon such land when necessary for the purpose of cleaning out or repairing it. If the money value of the benefits which will accrue to any tract of land or public road by reason of the construction and maintenance of such ditch or ditches shall exceed the damages, the board or court shall assess the difference as benefits to the lands and the state, town, county, city, or village liable for the maintenance of any road, as the case may be, benefited by the construction of such ditch or ditches. Such determination of benefits and damages shall be made in tabular form setting forth the description of the lands and of the roads benefited and the names of the owners thereof, if known, and the benefits and damages which will accrue to each. The damages or benefits in any case may be determined by stipulation between the parties interested, made public at the hearing, which stipulation shall be subject to approval by the board or court conducting the hearing.

Subdivision 6. Appeal. In case of such stipulation or determination of the amounts by such board or court, it shall extend the benefits or damages, as the case may be, in such tabular statement. If such proceeding is before the town board or the county board, any land owner may appeal from the amount awarded as damages or benefits in like manner as in the case of appeals from orders establishing or refusing to establish town or county roads. If such proceeding is in the district court, any land owner deeming himself aggrieved by an order of the court determining the amount of his benefits or damages may demand a jury trial to determine

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the amount of such benefits or damages in the same manner as is provided by law in judicial ditch proceedings. Such tabular statement shall be attached to the order establishing the ditch, if such order be made, and filed with the auditor or clerk, and any person whose lands, or any town, county, city, or village or the state whose public roads, are assessed for benefits may within 20 days thereafter pay the amount thereof to the town or county treasurer, who shall issue a receipt therefor. On presentation of such receipt to the auditor or clerk, he shall mark the amount of the assessment so paid with the words "Paid and satisfied." After the expiration of 20 days, if no appeal shall have been taken, the town clerk or the clerk of the district court, in the case of such orders filed with them, shall certify such tabular statement of assessment to the county auditor.

Subdivision 7. Certification of statement of benefits and damages. The county auditor shall, after the expiration of the time for appeals, certify such statement to the register of deeds of such county, who shall record the same. All of the provisions of section 106.42 shall apply to such assessments. Such assessments shall bear interest at the rate of six per cent per annum from the date of filing and collected in the manner provided by section 106.46, and when paid or collected shall be paid into the town treasury, in case such ditch is ordered by the town board, or into the county road and bridge fund, if such ditch is ordered by the county board, or into the state treasury for credit to the trunk highway fund, if such ditch is ordered by the district court, and expended in paying the cost of constructing and maintaining such ditch.

Subdivision 8. Assessments are valid claims. All assessments against any public road as shown in tabular statement shall constitute a valid claim against the road and bridge fund of any town, county, village, or city, or trunk highway fund of the state, responsible for the maintenance of any public highway improved by such ditch or drain and may be enforced as other valid claims against such municipal corporation.

Subdivision 9. Payment of damages. When the amount of damages to be paid to the owners of land taken for such ditch shall have been finally determined in accordance with the provisions therefor contained in chapters 160 to 164 the town board or the county board, as the case may be, in the case of such ditch or ditches being ordered by such town or county board, and the commissioner of highways, in the case of such ditch or ditches being ordered by the court, shall provide for and make payment in such manner as may be provided by law for the payment of damages taken for a public road.

Subdivision 10. Ditch. The word "ditch," as used in chapters 160 to 164, shall be held to include any open, covered, or tile drain.

Subdivision 11. Ditch, when constructed. If an order establishing such ditch or ditches is not appealed from within 20 days after the filing of such order, the town board, the county board, or the commissioner of highways, who may have charge of the road affected, as the case may be, shall proceed to construct such ditch or ditches. After such ditch has been opened and constructed, the authorities shall keep the same in good condition and free from obstructions and for that purpose may enter upon the lands through which it passes when it becomes necessary.

Subdivision 12. Injuring ditch, penalties. Any person who shall dam up, obstruct, or in any way injure, any such ditch shall be liable in a civil action for double the damages assessed for such injury by the court or jury trying the case and shall also be guilty of a misdemeanor.

Subdivision 13. Railroad to carry ditch across right of way. When any such drainage ditch shall cross the right of way of any railroad the owner of such railroad shall forthwith, upon demand of the town board, in the case of a ditch ordered by the town board, or of the county board, in the case of a ditch ordered by the county board, or of the commissioner of highways, in the case of a ditch ordered by the district court, at its own expense and without compensation carry such ditch under and across its right of way and construct necessary culverts therefor.

[1921 c. 323 s. 60; 1923 c. 439 ss. 9, 10] (2600)

160.27 SEEDING ALONG HIGHWAYS. Any person living upon or owning land fronting on a public rural highway, a portion of which is not in actual use or needed for public travel, may plow, level, and seed the same to grass, except within one rod of the center. He shall not by such work interfere with the travel upon the road, or the improvements of the same, or be entitled to compensation therefor, or acquire title to any portion of the road thereby. Any person, other than one having

supervision of the road under authority of the town or county board or commissioner of highways, who shall plow up or dig up any part of the road, except as above specified, shall be guilty of a misdemeanor.

[1921 c. 323 s. 68] (2608)

160.28 HEDGES AND TREES. Subdivision 1. **Who may cut down.** The town boards of supervisors, as to town and county roads outside the corporate limits of cities and villages, the county boards, as to state aid and county aid roads, and the commissioner of highways, as to trunk highways, are hereby given the right and power to determine upon the necessity and to order the cutting down of hedges and trees within the road limits after having given ten days' written notice to the owners of the abutting land and an opportunity to be heard; provided, that trees, other than willow trees, shall not be so cut down unless such trees or hedges, or either of them, interfere with keeping the surface of the road in good order, or cause the snow to drift onto or accumulate upon such road in quantities that materially obstruct travel. Such boards, and the commissioner, respectively, shall have power to properly mark or light dangerous places on the public highways and to take such other measures as may be necessary to protect travel thereon.

Subdivision 2. **Notice.** When the respective boards, or the commissioner of highways, shall determine that such cutting down of hedges or trees within the limits of such roads is necessary or that same would aid materially in keeping such roads in repair or free from snow, the board or the commissioner of highways shall notify the owners of the abutting lands by written notice of such decision, and order the trees or hedges cut down within 30 days after such notice. If the owners fail or refuse to comply with such notice and order within the time specified, the board or commissioner of highways shall have the power to cause such trees or hedges to be cut down. The timber and wood of such trees shall belong to the owners of the abutting land; provided, they pay the expense of cutting down such trees or hedges and remove the same from the roadside within the 30 days. If such timber or wood is not removed within such time, the board or commissioner of highways, as the case may be, shall have the power to sell or dispose of the same or destroy it, if it cannot be sold; and, if sold, shall pay the proceeds thereof to the owners of the abutting lands after deducting the costs of such cutting and sale.

Subdivision 3. **Cost, how paid.** The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of their respective road and bridge fund, or from any other fund available, the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense, and the cost of marking or lighting dangerous places on such highways.

Subdivision 4. **Appeals.** Any person aggrieved by any determination or order of a town board of supervisors or board of county commissioners, ordering or refusing to order the cutting down or removal of such hedges or trees may appeal therefrom within 30 days after the filing of such order or determination to the district court of the county by filing with the clerk of such court a bond in the sum of not less than \$250.00, approved by the judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal in case the determination or order is sustained, and by service upon the chairman of the town board, or upon the chairman of the county board, in case of such order made by a county board, of a notice of appeal stating briefly the grounds of appeal, signed by the party appealing or his attorney and filing same with proof of service with the clerk of court of the county. Such appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than 20 days after the appeal is perfected. Such appeal and matter shall be tried de novo in such court and either party shall be entitled to a jury trial upon demand.

[1921 c. 323 s. 69; 1929 c. 329; 1931 c. 153; Ex. 1933 c. 19] (2609)

160.29 TUNNELS UNDER ROADS. Every owner of land on both sides of a public road may tunnel under such road to permit stock to pass from one side to the other, but he shall at his own expense construct such tunnel so as not to endanger the public in the use of such road. Before constructing such tunnel, the land owner shall obtain from the town board of the town in which it is located, if the road is a town road, or from the county board of the county in which it is located, if the road is a county or state aid road, or from the commissioner of highways, if the road is a trunk highway, an approval of the place, the kind of tunnel, and the manner of its construction. Bridges over tunnels shall not be less than 16 feet wide, properly

protected with railings, and constructed of such materials as shall be agreed upon by the respective board or commissioner of highways, as the case may be, and, if within one year after the construction of such bridge, the board or commissioner of highways, as the case may be, shall deem it or its appurtenances insecure, it or he may cause the same to be put in the proper condition at the expense of its owner, and when such board or commissioner of highways shall deem the tunnel out of repair, it or he may cause the necessary repairs to be made at the expense of the owner. In either case, the reasonable cost of such repairs shall be certified to the county auditor and by him assessed upon the land in the same manner as the road taxes. When any such public road is not on a section or sectional subdivision line, the owner of the lands on both sides of such road shall be permitted to construct an appropriate tunnel, to be approved as aforesaid, which tunnel the owner shall maintain at his own expense for the first year and which shall be thereafter maintained by the town, county, or state, as the case may be. When the board of county commissioners of any county, as to any county state aid or county aid road therein, or the town board of any town, as to any town road therein, shall determine that the construction of such a tunnel is necessary for the safety and welfare of the public such board may cause such tunnel to be constructed and maintained at the expense of the county or town, as the case may be, or may contract with the abutting land owners for the equitable division of the cost of construction and maintenance thereof between such land owners and the county or town.

[1921 c. 323 s. 70; 1931 c. 147 s. 1] (2610)

160.30 ROADS ON MINERAL LANDS. When a public road crosses mineral land or other lands outside the limits of any city, village, or borough, which the owner or lessee desires to mine in such way as to remove the supports of the road or to improve such land by building any structure or building thereon, he may at his own expense change such road to other land and make a new road thereon suitable for public travel; provided, that no change of road on lands other than mineral lands shall be made unless the same be first approved by the town board and the commissioner of highways and the new road be first constructed and approved by the town board and the commissioner of highways; and, if he cannot obtain such land upon reasonable terms, the county or town board, or the city or village council, as the case may be, upon requisite petition, shall make such change under the provisions of law for establishing roads. Before any such road is changed, a 60-day notice of the intention of the owner or lessee thereof to change the same shall be served upon the board of the municipality in which the road is situated by filing with the clerk thereof a declaration of such intention in the form of such notice. 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 after such change is made. In case such board or council or the commissioner of highways desires to establish a road over mineral lands, it or he may agree with the owner or lessee of the land that, in case he shall consent to its establishment, its location shall be changed upon his request. Before such road will be changed by any such board, council, or commissioner of highways, 90 days' notice thereof shall be posted in three conspicuous places along the road, which notice shall state the time when the road shall be changed.

[1921 c. 323 s. 71] (2611)

160.31 BOARDS TO CONSTRUCT CULVERTS. The town boards, as to town roads, and the county boards, as to county and state aid roads, are hereby required to install one substantial culvert for an abutting owner in cases where by reason of grading a public highway the same is rendered necessary for a suitable approach upon such highway over driveways from abutting lands.

[1921 c. 323 s. 72] (2612)

160.32 ACQUISITION OF LANDS CONTAINING ROAD BUILDING MATERIALS. When the commissioner of highways, or any county board, town board, or council of any village or city shall deem it necessary for the purpose of building or repairing public roads or streets within his or its jurisdiction, he or it may procure by purchase or condemnation in the manner provided by law any plot of ground not exceeding 40 acres containing any material suitable for road purposes, together with the right of way to the same of sufficient width to allow teams, trucks, or other vehicles to pass, and on the most practicable route to the nearest public road.

When any county board or town board shall deem it necessary for the purpose of building or repairing public roads or streets within its jurisdiction, it may purchase any plot of ground located in an adjoining town or county not exceeding 40 acres containing any materials suitable for road purposes, together with the right of way to the same of sufficient width to allow teams, trucks, or other vehicles to pass, and on the most practicable route to the nearest public road.

[1921 c. 323 s. 73; 1941 c. 77; 1945 c. 59 s. 1] (2613)

160.33 SPECIAL RAILROAD RATES FOR ROAD MATERIALS. The railroad and warehouse commission is hereby authorized to make schedules of intrastate rates for railroads for the transportation of sand, gravel, crushed rock, and other materials to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes.

[1921 c. 323 s. 74] (2614)

160.34 OBSTRUCTION OF OR DAMAGE TO HIGHWAYS. Subdivision 1. **Injuring road or ditch; penalty.** Any person who shall obstruct any of the public highways of this state in any manner or who shall dig any holes therein or remove any earth, gravel, or rock therefrom, or any part thereof, or who shall in any manner obstruct any ditch on the side of any such highways and thereby damage the same shall be guilty of a misdemeanor. It is hereby made the duty of the county attorney to prosecute all violations of the provisions of this section occurring in the county.

Subdivision 2. **Tampering with road equipment; penalty.*** Any person who willfully, maliciously, or with intent to annoy shall in any manner deface, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guard-rails, drains, or any other highway appurtenances on or along any public highway or road or the right of way thereof shall be guilty of a misdemeanor; provided, that nothing herein shall restrict the actions of persons who shall or may have proper authority therefor.

Subdivision 3. **Advertising forbidden.** Any person who in any manner places, puts, or maintains any advertisement within the limits of a public highway or who in any manner paints, prints, places, puts, or affixes or causes to be painted, printed, placed, or affixed any advertisement on or to any stone, tree, fence, stump, pole, mile-board, mile-stone, danger-sign, danger-signal, guide-sign, guide-post, billboard, building, or other object within the limits of a public highway shall be guilty of a misdemeanor. None of the provisions of chapters 160 to 164 shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed, or destroyed by direction or authority of the commissioner of highways, in the case of state trunk highways, by the county board, in the case of county and state aid roads, or by the town board, in the case of town roads.

[1921 c. 323 s. 75; 1923 c. 439 s. 11] (2615)

160.35 MOVING BUILDINGS OVER ROADS. Any person, firm, or corporation moving or causing to be moved any building or structure upon, across, or along any public road, street, alley, or highway, whether within or without any city, village, or borough of the state, shall so move such building or structure as not to unnecessarily interfere with, damage, or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, or cables upon such road, street, alley, or highway:

When it shall be necessary to displace or temporarily remove any guard-rails on any bridge or any fence, telephone or electric power poles, wires, or cables to permit the moving of any building or structure upon, along, or across any such public road, street, alley, or highway, the person, firm, or corporation owning or maintaining such fence, poles, wires, or cables shall not be required to displace or temporarily remove the same, nor shall any guard-rails on any bridge be displaced or removed until the reasonable costs of such displacement or temporary removal have been paid or tendered by the person, firm, or corporation requiring such displacement or temporary removal. Nothing in this section shall apply to any work being done upon any such public road, street, alley, or highway by or for any municipality, nor to the moving of any building or structure 18 feet in height or less within the limits of any incorporated city.

[1921 c. 323 s. 76] (2616)

160.36 CERTAIN VILLAGES MAY OIL STATE HIGHWAYS. When a state highway or state aid highway runs through a village of not over 1,000 inhabitants the council of such village is authorized to oil or in some manner so treat such highway as to allay the dust on that portion thereof along which the abutting property is occupied by residences or business houses to an average of one to each block, and the village council shall, when petitioned for by a majority of residents of such abutting property, forthwith cause such service to be rendered and may assess the cost thereof upon the property benefited thereby.

[1921 c. 75 s. 1] (2616-1)

160.37 REMOVAL OF SNOW. Subdivision 1. **By town board.** It shall be the duty of the town board of each town, so far as funds are available for the expense thereof, to keep all town, county, and judicial roads therein in a passable condition by the removal of snow therefrom; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such men and teams and other equipment as may be necessary for the purpose. The town board may provide for the erection of snow fences when deemed advisable.

Subdivision 2. **By county board.** It shall be the duty of the county board, so far as funds are available for the expenses thereof, to keep all state aid roads and state rural highways therein in a passable condition by the removal of snow therefrom. The county board may provide for the erection of snow fences when deemed advisable.

Subdivision 3. **Use of equipment on private property.** The county board may by resolution adopted at a regular meeting thereof authorize the use of county snow removal equipment and operators thereof for the removal of snow upon either public or private property within the county upon such terms and conditions as the county board shall determine, not less than the actual cost of the use of such equipment and operators to the county.

[1921 c. 323 s. 77; 1941 c. 276] (2617)

160.38 MARKING OF TRAILS BY ASSOCIATIONS. Subdivision 1. **Application for permission.** Any corporation or association organized to promote the improvement, marking, or blazing of any continuous highway may apply to the commissioner of highways for permission to mark or blaze such highway within the state.

Subdivision 2. **Form of application; fee.** The application shall be in the form prescribed by the commissioner of highways and give the proposed name, route, color combination, and design to be used in such marking or blazing and accompanied by a fee of \$25.00, which shall be paid into the trunk highway fund.

Subdivision 3. **Order.** The commissioner of highways shall consider such application and, if he deems it advisable, shall by order give permission for such marking or blazing, with such changes in design or route as he may specify. Such order shall specify the name, color combination, and design and the route which is to be used. Thereupon the corporation or association shall have the exclusive right to the use of such name, color combination, and design in trail or highway designation and marking; provided, that nothing herein shall limit the right of the commissioner of highways to move, remove, or change any such markings on the trunk highways.

Subdivision 4. **Others not to use similar designs.** Any person other than the corporation or association to which such permit has been issued who shall use for similar or like purpose, this name or color combination and design for the use of which permission has been so given shall be guilty of a misdemeanor.

Subdivision 5. **Cancellation of permit.** When any such corporation or association shall cease to exist or when the interest in any such designated highway or trail, name, and markings has ceased the commissioner of highways may after investigation by order cancel such permit and right.

[1921 c. 323 s. 78] (2618)

160.39 CONTRACTS FOR ROADS. No county or town shall contract for the construction or improvement of any road where the contract price exceeds \$500.00, unless plans and specifications shall have been made and prepared and filed as provided in section 164.22, nor until advertisements for bids have been published as therein provided for.

[1921 c. 323 s. 55] (2595 subd. 2)

160.40 FINAL PAYMENT ON CONTRACTS. Final payment shall not be made on any contract for road work by any county or town board until the county board or town board, as the case may be, has examined the work and certified that it has been properly done and performed according to contract and a certificate to that

effect, signed by a majority of the members of the board making the inspection shall have been filed in the office of the auditor of the county, or clerk of the town, as the case may be. 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 such contract exceeds the sum of \$200, until such certificate shall have been filed, shall be guilty of a misdemeanor. The provisions of this section shall not apply to any county now having or which may hereafter have a population of 150,000 or over.

[1921 c. 323 s. 56] (2596)

160.41 TRUNK HIGHWAY IN CITIES AND VILLAGES; CONSTRUCTION, MAINTENANCE. The county board of any county, the council or other governing body of any city, village, or borough, or the town board of any town, as the case may be, may enter into an agreement with the commissioner of highways for the construction of a roadway or structure of greater width or capacity than would be necessary to accommodate the normal trunk highway traffic upon any trunk highway within its boundaries, and may appropriate from any funds available and pay into the trunk highway fund such sums of money as may be agreed upon. Nothing herein contained shall prevent any such city or village from constructing the portions of the street not included in the trunk highway system independent of any contract with the commissioner of highways; provided, such construction conform to such reasonable regulations as the commissioner of highways may prescribe as to grade and drainage.

Where a trunk highway is located over or along a street in any city, village, or borough, which street is or may be improved to a width greater than the normal width of such trunk highway, the council or other governing body of such city, village, or borough, as the case may be, may enter into an agreement with the commissioner of highways for the maintenance of such additional width by the commissioner of highways and shall from time to time in accordance with such agreement appropriate and pay into the trunk highway fund such sums of money as may be agreed upon. Nothing herein contained shall be construed to prevent any such city or village maintaining such additional width at its own expense independent of any contract with the commissioner of highways. The commissioner of highways, for and on behalf of the state, is hereby authorized to enter into agreements to make settlement with municipalities for the construction, improvement, and maintenance of trunk highways within the limits of such municipalities and such municipalities are hereby authorized to undertake and perform such work and to enter into agreements with the state for the performance and responsibility of such work upon such terms as may be agreed upon; and the commissioner of highways is authorized to make settlement with and pay to such municipalities for benefits which have accrued to any trunk highway by reason of the construction, improvement, and maintenance heretofore done, made, or furnished by such municipalities within their limits.

[1921 c. 323 s. 16; 1933 c. 440 s. 4; 1939 c. 225] (2557)

160.42 STATE ROAD AND BRIDGE FUND; APPORTIONMENT. Subdivision 1. **Amount to be expended on roads.** For the purpose of state aid in the construction and improvement of public highways, \$1,200,000 of the moneys accruing to the state road and bridge fund from the excise tax on gasoline, together with all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to the fund, and all other moneys accruing to the state road and bridge fund, however provided, but excluding moneys derived from the excise tax on gasoline other than such \$1,200,000, shall be expended on state aid roads.

Subdivision 2. **Estimate of amount.** On or before the first Tuesday in April each year the commissioner of highways, the state treasurer, and the state auditor shall estimate the probable sum of money that will accrue to the state road and bridge fund during the current year, for expenditure on state aid roads and after first setting aside therefrom an amount not exceeding \$50,000 for a reserve maintenance fund, to be expended as hereinafter provided, shall apportion the balance of the state road and bridge fund allocated for state aid roads among the different counties of the state and the commissioner of highways shall immediately send a statement of such apportionment to the state auditor and to the auditor of each county, showing the amount apportioned to each county for expenditure during such year. The amount so apportioned to each county shall be paid by the state to the

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auditor of each of the counties out of the state road and bridge fund in the manner provided by law.

Subdivision 3. **Limitation of apportionment to counties.** Not less than one per cent, nor more than three per cent, of the state road and bridge fund apportioned for expenditure on state aid roads available in any year and remaining after setting aside the funds hereinbefore provided for shall be apportioned to any county.

Subdivision 4. **Expenditure by counties.** The amount so apportioned to each of the counties for state aid roads shall be expended by the county board of each county in constructing, improving, and maintaining state aid roads therein in conformity with the provisions of law now existing governing such expenditure on state aid roads; provided, that at least 40 per cent of the money so apportioned to each county shall be used for maintenance of state aid roads and bridges therein.

Subdivision 5. **Aid to county not yet paid.** Any state aid heretofore apportioned to any county, but not yet paid over to the county, shall be paid to such county when and as soon as the state aid shall become due and payable under existing law notwithstanding any provision in this section.

[1921 c. 323 s. 18; 1929 c. 22; 1933 c. 142; 1941 c. 161] (2559)

160.43 DESIGNATION OF STATE AID ROADS; REVOCATION. Subdivision

1. **Designation by county boards.** The county board of any county may, with the consent of the commissioner of highways, designate any established road or specified portion thereof in its county not within the corporate limits of any borough, village, or city as a state aid road and construct or improve the same in accordance with the regulations of the commissioner of highways relative to state aid roads.

Subdivision 2. **Streets may be designated.** Any such board may, with the consent of the commissioner of highways, designate as a state aid road any street or road within the corporate limits of any village, borough, or city of the fourth class.

Subdivision 3. **Resolution of designation sent to commissioner of highways.** When any county board has designated any road as a state aid road, as herein provided, the county auditor shall transmit a copy of the resolution to the commissioner of highways, together with a description of the road so designated. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of this road as a state aid road, and to determine the desirability of such designation with reference to the relation of such road to other state aid roads, or its relation to other roads and traffic conditions in such county and if he determines such questions in the affirmative, then and in such cases the commissioner of highways may by his order in writing, to be filed with the county auditor, consent to the designation of such road as a state aid road.

Subdivision 4. **State aid paid to improve streets.** Any street or road within the corporate limits of any borough, village, or city of the fourth class designated as a state aid road, as hereinbefore provided, may be improved by the county as other state aid roads are improved and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within the county wherein such borough, village, or city is situated; provided, that the grade of any such street shall not be changed without the consent of the governing body of any such borough, city, or village and, that the plans and specifications for any improvement thereof shall be approved by such governing body before such work is commenced.

Subdivision 5. **Commissioner of highways may designate road as state aid road.** When it shall be made to appear to the commissioner of highways that the board of county commissioners of any county has refused to grant an application to it made by at least ten freeholders, residents of such county, to designate any established road or part thereof as a state aid road, the commissioner of highways may consider such application de novo, and if, in his opinion, sufficient funds will be available for the improvement of such road, and its designation and improvement as a state aid road is desirable because of the relation of such road to other roads or traffic conditions in such county, the commissioner of highways may by his written order designate such road or part thereof as a state aid road without a prior designation thereof by the county board or its concurrence in such designation. A copy of such order shall be filed with the county auditor.

Subdivision 6. **Abandonment or change of state aid roads.** Any roads which may have been at any time designated as state aid roads may, by joint action of the county board and the commissioner of highways, be abandoned or changed as such; provided, that in case the county board of any county fails or neglects, for the

period of ten days after being notified by the commissioner of highways, to properly maintain any state aid road which it is required to maintain, the commissioner of highways shall have power to revoke the designation of such highway as a state aid road.

[1921 c. 323 s. 19] (2560)

160.432 STREETS IN CERTAIN CITIES OF THIRD CLASS DESIGNATED AS COUNTY AID OR STATE AID ROADS. Subdivision 1. **Certain streets in a certain city may be designated a state aid road.** The county board of any county in which is located a city of the third class contiguous to a city of the first class situated in an adjoining county and so located that a street or streets of said city of the third class connect up with and constitute a continuation of a street or streets in said city of the first class may with the approval of the governing body of said city of the third class and the consent of the commissioner of highways designate any established street or specified portion thereof in said city of the third class as a state aid road.

Subd. 2. When the county board of any such county has designated any such street or specified portion thereof in any such city a state aid road, the auditor of such county shall immediately transmit a copy of the resolution of designation together with the description of the road so designated to the commissioner of highways. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of said road as a state aid road and also determine the desirability of such designation with reference to the relation of such road to other state aid roads or its relation to other roads and traffic conditions in such county, and if he determines such questions in the affirmative, then and in such cases the commissioner of highways may by his order in writing, to be filed with the county auditor, consent to the designation of such road as a state aid road.

Subd. 3. Any street or road within the corporate limits of any such city designated as a state aid road, as herein provided, may be improved by the county as other state aid roads are improved and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within such county.

Subd. 4. Any such street which may have been at any time designated as a state aid road may by joint action of the county board and the commissioner of highways be abandoned or changed as such; provided that in case the county board of any county fails or neglects for the period of ten days after being notified by the commissioner of highways to properly maintain any state aid road which it is required to maintain, then the commissioner of highways shall have power to revoke the designation of such highway as a state aid road.

Subd. 5. In case any such street be designated a state aid road, the grade of such street shall not be changed without the consent of the governing body of such city, and the plans and specifications for any improvement thereof shall be approved by such governing body before any work in said improvement is commenced.

[1945 c. 218]

160.44 COUNTY BOARDS MAY ACQUIRE AN EASEMENT IN CERTAIN CASES. When in the discretion of the county board of any county it is determined that an easement across additional lands is needed for the purpose of altering an existing state aid or county aid road in cases where the general course of such road is not materially altered, the county board shall have power to acquire such easement by purchase or gift or by condemnation in accordance with the provisions of chapter 117.

[1929 c. 155] (2560-1)

160.45 DESIGNATION OF ROAD ON COUNTY LINE AS STATE AID ROAD. When there is an established road running along or near the common boundary lines of two or more counties the county boards of two or more of such counties may make application to the commissioner of highways for the designation of such road as a state aid road. The commissioner of highways shall then investigate the desirability of such designation and, if he shall decide that it is desirable so to do, shall so designate such road and determine and fix the part of the cost of the improvement and maintenance thereof to be paid by each of the counties abutting upon and adjoining such road.

[1921 c. 323 s. 20; 1929 c. 216] (2561)

160.46. MAINTENANCE OF STATE AID ROADS. Subdivision 1. **County board to maintain state aid roads.** It shall be the duty of the county board of each county in which state aid roads have heretofore been or may hereafter be designated to provide for the proper maintenance of the same in accordance with the rules and regulations of the commissioner of highways.

Subdivision 2. **Preference given.** In the expenditure of the funds for maintenance, preference shall be given to state aid roads improved as such, and especially such state aid roads to the cost of construction or improvement of which the United States has contributed.

Subdivision 3. **Failure of county board to maintain.** In case the county board of any county fails or neglects to maintain any state aid road, as to which it is hereinbefore directed, preference shall be given to the expenditure of the funds set aside for maintenance purposes in accordance with rules and regulations promulgated by the commissioner of highways, he may cause the same to be maintained and to pay the expense thereof from the reserve maintenance fund. He shall have power to enter into contracts for the performance of work, or he may purchase the necessary tools and materials and employ the necessary labor and cause the same to be done by day labor. The amount so expended in any one county in any one year shall not, together with the funds allotted to such county during such year, exceed an amount equal to three per cent of the total state road and bridge fund available for allotment and expenditure during such year; and an amount equal to any sum so expended by the commissioner of highways in any county during any one year shall, at the time of the next allotment of the state road and bridge fund, be deducted from the allotment which would otherwise be made to such county and the amount so deducted shall be credited to the reserve maintenance fund. No county shall, by reason of any such deduction, receive in any one year less than one-half of one per cent of the total state road and bridge fund provided and expended during such year.

In the doing of the work provided herein, the commissioner of highways may contract with governmental subdivisions of the state for the performance thereof and such governmental subdivisions are hereby authorized to undertake and perform such work and to enter into contracts with the commissioner of highways for the performance and responsibility thereof upon such terms as may be agreed upon.

[1921 c. 323 s. 21; 1943 c. 91 s. 1] (2562)

160.47 PROCEDURE FOR CONSTRUCTING OR IMPROVING STATE AID ROADS. When the county board of any county shall determine to build or improve any state aid road for which aid is to be claimed, it shall proceed as follows:

If the estimated cost of such work does not exceed \$500.00, the county board shall cause surveys, when necessary, to be made therefor and thereupon receive bids for all or part of such work and let the contract to the lowest responsible bidder, or may cause the same to be done by labor employed therefor. In case the estimated cost exceeds \$500, the county board shall cause surveys, plans, and specifications thereof to be made and submit the same to the commissioner of highways for approval, and when such plans and specifications are approved the county board shall proceed to do such work by contract or labor employed therefor, as the county board and the commissioner of highways may direct. The work shall be done under the supervision of the county highway engineer, who shall, in all matters pertaining to such work, act under the rules and regulations of the commissioner of highways.

In case it shall be determined to do the work by contract, the county board may agree in such contract to pay the contractor, on account of the contract price, an amount not exceeding 85 per cent of the value of the work from time to time actually completed, as shown by monthly estimates thereof, based on the contract price, made by the engineer in charge of the work, and in such case it shall be lawful for the county auditor to issue a warrant on the county treasurer to the contractor for an amount equal to the specified percentage of the value of the work so completed and specified in the engineer's monthly estimate without allowance of a claim therefor by the county board.

[1921 c. 323 s. 22] (2563)

160.48 STATE AID FOR ROADS. After any county board shall have completed any work on a state aid road for which state aid is claimed, the auditor of such county shall make a statement to the commissioner of highways showing the

location, nature, and cost of such work and submit a detailed report from the county highway engineer in charge showing all such details concerning the same as may be required by the commissioner of highways. On receipt thereof the commissioner of highways shall proceed to examine such reports and, if he finds the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor and the contract therefor, if any, he shall certify the same to the state auditor, who shall issue a warrant for the state's share thereof, as shown by such report, payable to the treasurer of such county, but in no case shall the warrant, with all other warrants, exceed the amounts allotted to such county; provided, that every county which has constructed or improved any state rural highway pursuant to Laws 1911, Chapter 254, and issued its bonds to provide funds for the payment of the cost thereof, which during any year fails to avail itself of any funds allotted to it out of the general state road and bridge fund by the construction, improvement, or maintenance of state aid roads, but which shall pay the principal of or interest on such bonds or any part thereof shall be entitled to receive from the general state road and bridge fund for the benefit of its county road and bridge fund, the same amount as it would have received had the amount so paid been expended for the construction, improvement, or maintenance of state aid roads within such county. When any such county makes any such payment the auditor thereof shall certify the fact of such payment, the date, and the amount thereof to the state auditor, who shall thereupon issue and transmit to the treasurer of such county a warrant for such amount. The proceeds thereof shall be placed in the county road and bridge fund and disbursed in the same manner as other county funds are disbursed, but only for the payment of the cost of constructing and maintaining state aid roads.

The state auditor shall not issue any such warrant to such county until the commissioner of highways shall certify to the state auditor that the county is entitled to receive any such payment out of the state aid road and bridge fund; and, for the purpose of furnishing the commissioner of highways proper information, the auditor of any such county shall certify the fact of such payment, the date, and the amount thereof to the commissioner of highways in the same manner as to the state auditor.

[1921 c. 323 s. 23; 1931 c. 356] (2564)

160.49 COUNTY BOARD TO DESIGNATE STATE AID PARKWAYS. The county board of any county may, with the consent of the commissioner of highways and the commissioner of conservation, designate any established road or specified portion thereof, including portions lying within the established limits of a state institution, a public park or public recreational area in its county as a state aid parkway which road connects with a trunk highway and a state institution, public park or public recreational area, and construct, reconstruct, improve and maintain the same in accordance with the regulations of the commissioner of highways relative to state aid parkways.

Allotments made under authority of sections 160.42 and/or 296.33, specifically designated for the construction, improvement or maintenance of such state aid parkways need not be matched by the county.

[Ex. 1934 c. 61 s. 1; 1939 c. 357; 1945 c. 426] (2564-20)

160.50 CONSTRUCTED UNDER STATE AID ROAD LAWS. State aid parkways shall be constructed, reconstructed, improved, and maintained in the same manner and under the same laws as state aid roads are now constructed, reconstructed, improved, and maintained pursuant to sections 160.07, 160.42, 160.43, and 160.45 to 160.48.

[Ex. 1934 c. 61 s. 2] (2564-21)

160.51 TERM "STATE AID ROAD" TO APPLY TO STATE AID PARKWAY. Whenever the words "state aid road" or "state aid roads," or either of them, appear in the provisions of the existing laws applicable to state aid roads, as designated in section 160.50, they shall be deemed to include state aid parkway or parkways.

[Ex. 1934 c. 61 s. 3] (2564-22)

160.52 PORTAGE. A portage, as used in sections 160.52 to 160.60, shall be a passageway two rods in width extending from one navigable water to another navigable water, or from a navigable water to a public highway.

[1933 c. 424 s. 1] (2585-3)

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160.53 PETITION TO ESTABLISH PORTAGE. Ten or more freeholders of any county may petition the county board to establish a portage in such county. Such petition shall set forth with reasonable definiteness the point of beginning and the point of termination of such portage. Thereupon at its next meeting if the county board shall decide that such petition is reasonable, it shall order a public hearing thereon and designate in such order the time and place for such hearing. At least 30 days before the time set for such hearing, it shall cause posted notice of the time and place thereof to be given in a public place in the court-house and in two public places in each town through which such proposed portage shall pass.

[1933 c. 424 s. 2] (2585-4)

160.54 HEARING ON PETITION. At such hearing the county board shall hear all parties interested as to the necessity for such portage and as to the cost of acquiring the land necessary for such portage.

[1933 c. 424 s. 3] (2585-5)

160.55 SURVEY TO BE MADE. In case the county board after such hearing shall conclude that such a portage would be of sufficient public advantage, it shall order the county surveyor or the county highway engineer to determine the most practicable course for such a portage, to survey such course, and to submit an estimate as to the cost of constructing such a portage. In case the cost of construction shall appear to the board to be commensurate with the public advantages to be derived from such portage, it shall declare the portage established, setting forth definitely in such order the point of beginning, the course, and the point of termination of such portage.

[1933 c. 424 s. 4] (2585-6)

160.56 DAMAGES. The damages sustained by reason of establishing, altering or vacating any portage may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the owners release in writing all claim to damages, the same shall be assessed and awarded before such portage is opened, worked, used, altered, or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration, or vacation, as the case may be, will confer and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

[1933 c. 424 s. 5] (2585-7)

160.57 BOARDS SHALL ESTABLISH PORTAGE. If the petition be granted, the board shall provide for the laying out and construction of such portage, in the case of the establishment of a new portage or the alteration of an existing portage or portages, and carrying into effect the vacation of an existing portage or portages, when such action is petitioned for.

[1933 c. 424 s. 6] (2585-8)

160.58 DAMAGE TO BE PAID BY COUNTY. All damages resulting from the establishment, alteration, or vacation of any portage shall be paid by the county.

[1933 c. 424 s. 7] (2585-9)

160.59 APPEAL TO DISTRICT COURT. Any person aggrieved by the decision of a county board establishing, altering, or vacating, or refusing to establish, alter, or vacate, any portage or by any award of damages made by such county board, may appeal therefrom to the district court of such county within 30 days after such award is made.

[1933 c. 424 s. 8] (2585-10)

160.60 MAY BE ALTERED OR VACATED. A public portage may be altered or vacated in the same manner as it may be established.

[1933 c. 424 s. 9] (2585-11)

160.61 INTEMPERATE DRIVERS. No person owning or having control of a coach or vehicle traveling upon any road for the conveyance of passengers shall employ any person to drive the same who is addicted to the excessive use of intoxicating liquors.

Every person who violates any provision of this section shall forfeit for each offense such sum as the court shall fix, not exceeding \$50.00, and be liable to any party injured for all damages sustained by reason of such offense; provided, that

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complaint for such violation be made within three months, and every action for damages shall be begun within one year, thereafter.

[1913 c. 235 s. 66] (2622)

160.62 LEAVING HORSES UNFASTENED. No driver of any vehicle used for the conveyance of passengers for hire shall leave the horses attached thereto while any passenger remains in or upon the same without securely fastening such horses or leaving some suitable person in charge thereof; and, if any driver shall violate the provisions of this section, he and his employer shall, in an action for damages instituted by any person injured by reason of the violation of this section, be deemed guilty of negligence.

[1913 c. 235 s. 67] (2623)

160.63 TRACTION ENGINE; WHISTLE. Every engineer, owner, or other person in charge of a traction engine propelled along a road who shall blow or permit the whistle of such engine to be blown within 500 feet of a team passing on such highway, if the team can be seen from the position of the engine, or who shall not stop the same at least 100 feet before meeting a horse or team traveling on such road, unless on a side hill where such stoppage might expose the flues of the engine and cause an explosion, and not start the same until such horse or team shall have passed the engine shall be guilty of a misdemeanor.

[1913 c. 235 s. 68] (2624)

160.64 NO CITY OF SECOND CLASS TO USE FUNDS FOR ROADS OUTSIDE OF STATE; NOT LIABLE FOR FAILURE TO MAINTAIN SAME; BRIDGES EXEMPT. Subdivision 1. **Use of funds for roads out of state forbidden.** No city of the second class in the state shall appropriate or use any of its funds or make or incur any expenditure, indebtedness, or obligation for or in the construction, maintenance, or repair of any road, roadway, driveway, or highway of any kind located or situated outside the boundaries of the state or in aid of any thereof or in connection therewith.

Subdivision 2. **City not liable for failure to maintain.** No city of the second class shall ever be liable in any way for any failure to repair or maintain any such road, roadway, driveway, or highway and no action shall be prosecuted or maintained against any such city or any of its officers for or on account of any such failure.

Subdivision 3. **Not applicable to bridges over boundary waters.** The provisions of this section shall not apply to any bridge which shall span any water forming the boundary of this state.

[1921 c. 106 ss. 1, 2, 3] (2637, 2638, 2639)

160.65 ADDITIONAL TRUNK HIGHWAYS. There are hereby added to the Trunk Highway System and created and established hereby new routes as follows:

Route No. 71. Beginning at a point on Route No. 27 in Little Falls, thence extending in a northeasterly direction to a point on Route No. 1 at or near Moose Lake; affording Little Falls, Onamia, Isle, McGrath, and Moose Lake a reasonable means of communication each with the other and other places within the state.

Route No. 72. Beginning at a point on Route No. 4 northeasterly of Bemidji and thence extending in a northerly direction to a point on Route No. 11 easterly of Beaudette; affording Bemidji, Waskish, Beaudette, and intervening and adjacent communities, a reasonable means of communication each with the other and other places within the state.

Route No. 73. Beginning at a point on Route No. 20 at or near Zumbrota, thence extending in an easterly direction to a point on Route No. 3; affording Zumbrota, Mazepa, Zumbro Falls, and Wabasha a reasonable means of communication each with the other and other places within the state.

Route No. 74. Beginning at a point on Route No. 3 at or near Weaver, thence extending in a southwesterly direction to a point on Route No. 9 at or near Spring Valley; affording Weaver, St. Charles, Chatfield, and Spring Valley a reasonable means of communication each with the other and other places within the state.

Route No. 75. Beginning at a point on Route No. 3 in Winona, thence extending in a northeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 76. Beginning at a point on Route No. 43 at or near Wilson, thence extending in a southeasterly direction to a point on the line between the states of

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Minnesota and Iowa; affording Wilson, Houston, and Caledonia a reasonable means of communication each with the other and other places within the state.

Route No. 77. Beginning at a point on Route No. 43 at or near Rushford, thence extending in a westerly direction to a point on Route No. 56 at or near Hayfield; affording Rushford, Chatfield, Stewartville, and Hayfield a reasonable means of communication each with the other and other places within the state.

Route No. 78. Beginning at a point on Route No. 9 at or near Rushford, thence extending in a southerly direction to a point on Route No. 44 at or near Mabel.

Route No. 79. Beginning at a point on Route No. 20 at or near Harmony, thence extending in a southerly direction to the line between the states of Minnesota and Iowa.

Route No. 80. Beginning at a point on Route No. 9 southerly of Wykoff, thence extending in an easterly direction to a point on Route No. 20 at or near Preston.

Route No. 81. Beginning at a point on Route No. 9 easterly of Austin, thence extending in a southeasterly direction to a point on Route No. 59 easterly of LeRoy.

Route No. 82. Beginning at a point on Route No. 40 at or near Blooming Prairie, thence extending in a westerly direction to a point on Route No. 15; affording Blooming Prairie, Ellendale, Mapleton, and St. James a reasonable means of communication each with the other and other places within the state.

Route No. 83. Beginning at a point on Route No. 5 westerly of Mankato, thence extending in a northwesterly direction to a point on Route No. 15 southerly of New Ulm.

Route No. 84. Beginning at a point on Route No. 7 at or near Sleepy Eye, thence extending in a southerly direction to the line between the states of Minnesota and Iowa; affording Sleepy Eye, St. James, and Sherburne a reasonable means of communication each with the other and other places within the state.

Route No. 85. Beginning at a point on Route No. 16 at or near Windom, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa at or near Bigelow; affording Windom, Worthington, and Bigelow a reasonable means of communication each with the other and other places within the state.

Route No. 86. Beginning at a point on the line between the states of Minnesota and Iowa southerly of Lakefield, thence extending northerly through Lakefield to a point on Route No. 85 as herein established westerly of Windom.

Route No. 87. Beginning at a point on Route No. 9 southerly of Wells, thence extending in a southerly direction through Kiester to a point on the line between the states of Minnesota and Iowa.

Route No. 88. Beginning at a point on the line between the states of Minnesota and South Dakota, and Route No. 9, thence extending in a northeasterly direction to a point on Route No. 12 at or near Montevideo; affording Jasper, Pipestone, Marshall, and Montevideo a reasonable means of communication each with the other and other places within the state.

Route No. 89. Beginning at a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 90. Beginning at a point on Route No. 6 at or near Ivanhoe, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 91. Beginning at a point on the line between the states of Minnesota and Iowa southerly of Adrian, thence extending in a northerly direction to a point on Route No. 88 as herein established at or near Russell; affording Adrian, Lake Wilson, and Russell a reasonable means of communication each with the other and other places within the state.

Route No. 92. Beginning at a point on Route No. 17 westerly of Currie, thence extending in an easterly direction to a point on Route No. 84; affording Currie and Jeffers a reasonable means of communication each with the other and other places within the state.

Route No. 93. Beginning at a point on Route No. 4 at or near Redwood Falls, thence extending in a southeasterly direction to a point on Route No. 70 at or near Sleepy Eye.

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Route No. 94. Beginning at a point on Route No. 3 northerly of Hastings, thence extending in a southeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 95. Beginning at a point on Route No. 94 as herein established at Point Douglas, thence extending in a northerly direction through Bayport and Stillwater to a point on Route No. 46 at or near Taylors Falls.

Route No. 96. Beginning at a point on Route No. 95 as herein established at or near Stillwater, thence extending in a westerly direction to a point on Route No. 63 at or near New Brighton.

Route No. 97. Beginning at a point on Route No. 1 at or near Forest Lake, thence extending in an easterly direction to a point on Route No. 95 as herein established.

Route No. 98. Beginning at a point on Route No. 1 at or near Forest Lake, thence extending in a northeasterly direction to a point on Route No. 46.

Route No. 99. Beginning at a point on Route No. 21 east of Le Center, thence extending in an easterly direction to a point on Route No. 21 near General Shields Lake.

Route No. 100. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in an easterly direction to a point on Route No. 3 westerly of Red Wing; affording Gaylord, Henderson, New Prague, Northfield, Cannon Falls, and Red Wing a reasonable means of communication each with the other and other places within the state.

Route No. 101. Beginning at a point on Route No. 1 at or near Faribault, thence extending in a northerly direction to a point on Route No. 50.

Route No. 102. Beginning at the present terminus of Route No. 1 on the southerly limits of the city of St. Paul, thence extending in a northerly direction through the city of St. Paul to the point of beginning of Route No. 1 on the northerly limits of the city of St. Paul.

Route No. 103. Beginning at the present terminus of Route No. 1 on the westerly limits of the city of Duluth, thence extending in a northeasterly direction to the present point of beginning of Route No. 1 on the northerly limits of the city of Duluth.

Route No. 104. Beginning at the present terminus of Route No. 3 on the easterly limits of the city of St. Paul, thence extending in a northwesterly direction through the cities of St. Paul and Minneapolis to the present point of beginning of Route No. 3 on the westerly limits of the city of Minneapolis.

Route No. 105. Beginning at a point on the southerly limits of the city of Minneapolis, thence extending in a northeasterly direction through Minneapolis to a point at the beginning of Route No. 5 on the northerly limits of the city of Minneapolis.

Route No. 106. Beginning at a point on Route No. 8 in the westerly limits of the city of Duluth, thence extending in a southeasterly direction through Duluth to a point at the water's edge of St. Louis Bay and there terminating.

Route No. 107. Beginning at the present terminus of Route No. 10 on the westerly limits of the city of Minneapolis, thence extending in an easterly direction to a point on Route No. 104 as herein established.

Route No. 108. Beginning at the present terminus of Route No. 12 on the easterly limits of the city of St. Paul, thence extending in a westerly direction through the cities of St. Paul and Minneapolis to a point on the westerly limits of the city of Minneapolis, connecting with Route No. 12.

Route No. 109. Beginning at the present terminus of Route No. 45 on the easterly limits of the city of St. Paul, thence extending into St. Paul in a southwesterly direction to connect with Route No. 102 as herein established.

Route No. 110. Beginning at the present terminus of Route No. 50 on the southerly limits of the city of Minneapolis, thence extending through Minneapolis and northerly to a point on Route No. 2 at or near Aitkin, affording Minneapolis, Anoka, Ogilvie, Isle, and Aitkin a reasonable means of communication each with the other and other places within the state.

Route No. 111. Beginning at the present terminus of Route No. 52 on the westerly limits of the United States Military Reservation at Fort Snelling, thence extending in a northeasterly direction through the Military Reservation into the city of St. Paul to connect with Route No. 102 as herein established.

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Route No. 112. Beginning at the present terminus of Route No. 53 on the southerly limits of the city of South St. Paul, thence extending through South St. Paul into the city of St. Paul to connect with Route No. 102 as herein established.

Route No. 113. Beginning at a point on the northerly limits of the city of St. Paul, thence extending in a southeasterly direction into St. Paul to connect with Route No. 104 as herein established.

Route No. 114. Beginning at the present terminus of Route No. 63 on the northerly and easterly limits of the city of Minneapolis, thence extending into Minneapolis in a southwesterly direction to connect with Route No. 105 as herein established.

Route No. 115. Beginning at a point on Route No. 112 as herein established in St. Paul thence extending in a southerly direction to a point on Route No. 1 southerly of Wescott.

Route No. 116. Beginning at a point on Route No. 104 as herein established in the city of Minneapolis, thence extending in a southeasterly direction to a point on Route No. 53, thence extending in a southerly direction to a point on Route No. 21 at or near Kenyon; affording Minneapolis, Mendota, Hampton, and Kenyon a reasonable means of communication each with the other and other places within the state.

Route No. 117. Beginning at a point on Route No. 100 as herein established easterly of New Prague, thence extending in a northeasterly direction and crossing the Mississippi River easterly of the city of South St. Paul, thence extending in a northerly direction to a point on Route No. 1 at or near White Bear.

Route No. 118. Beginning at a point on Route No. 45 southwesterly of Stillwater, thence extending in a westerly direction to a point on Route No. 105 as herein established in Minneapolis.

Route No. 119. Beginning at a point on Route No. 49 at or near Clara City, thence extending in an easterly direction to a point on Route No. 12 at or near Excelsior; affording Clara City, Hutchinson, and Excelsior a reasonable means of communication each with the other and other places within the state.

Route No. 120. Beginning at a point on Route No. 119 as herein established at or near St. Bonifacius, thence extending in a northeasterly direction to a point on Route No. 10.

Route No. 121. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in a northeasterly direction to a point on Route No. 5; affording Gaylord, Norwood, and Victoria a reasonable means of communication each with the other and other places within the state.

Route No. 122. Beginning at a point on Route No. 5 in Mankato, thence extending in a northwesterly direction through Nicollet to a point on Route No. 22, southerly of Gaylord.

Route No. 123. Beginning at a point on Route No. 5 in Le Sueur, thence extending in a southeasterly direction to a point on Route No. 21.

Route No. 124. Beginning at a point on Route No. 39 at or near Wells, thence extending in a southeasterly direction to a point on Route No. 9 at or near Alden.

Route No. 125. Beginning at a point on Route No. 111 as herein established north of the Mississippi River, thence extending in a northerly direction to a point on Route No. 63.

Route No. 126. Beginning at a point on Route No. 104 as herein established in St. Paul at or near Rice Street, thence extending in a northerly direction to a point on Route No. 63.

Route No. 127. Beginning at a point on Route No. 1 in the southwesterly portion of White Bear, thence extending in a northeasterly direction to a point on Route No. 1 near Bald Eagle Junction, this route to be a substitute for the present location of Route No. 1 between these points.

Route No. 128. Beginning at the present terminus of Route No. 57 in Mantorville, thence extending in a northerly direction through Wanamingo to a point on Route No. 20.

Route No. 129. Beginning at a point on Route No. 24 at or near St. Cloud, thence extending in a southeasterly direction to a point on Route No. 110 as herein established northerly of Minneapolis; affording St. Cloud, Clearwater, and Monticello a reasonable means of communication each with the other and other places within the state.

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Route No. 130. Beginning at a point on Route No. 3 northwesterly of Minneapolis, thence extending in a southerly direction to a point on Route No. 52.

Route No. 131. Beginning at a point on Route No. 37 at or near Randall, thence in an easterly direction to a point on Route No. 27.

Route No. 132. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in an easterly direction to a point on Route No. 46 at Taylors Falls; affording St. Cloud, Princeton, Cambridge, and Taylors Falls a reasonable means of communication each with the other and other places within the state.

Route No. 133. Beginning at a point on Route No. 5 northerly of Braham, thence extending in an easterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 134. Beginning at a point on Route No. 5 southerly of Grasston, thence extending in a northerly direction to a point on Route No. 23.

Route No. 135. Beginning at a point on Route No. 28 westerly of Little Falls, thence extending in a westerly and southwesterly direction to a point on Route No. 3 at Osakis; affording Little Falls, Long Prairie, and Osakis a reasonable means of communication each with the other and other places within the state.

Route No. 136. Beginning at a point on Route No. 8 northwesterly of Bemidji, thence extending in a northwesterly direction to a point on Route No. 11 at or near Roseau.

Route No. 137. Beginning at a point on Route No. 18 northwesterly of Garrison, thence extending in a northerly direction to a point on Route No. 34 at or near Remer; affording Garrison, Deerwood, Crosby, and Remer a reasonable means of communication each with the other and other places within the state.

Route No. 138. Beginning at a point on Route No. 19 northerly of Walker, thence extending in a northwesterly direction to a point on Route No. 4.

Route No. 139. Beginning at a point on Route No. 19 at or near Pine River, thence extending in a northeasterly direction to a point on Route No. 34.

Route No. 140. Beginning at a point on Route No. 11 at or near Baudette, thence extending in a northerly direction to Lake of the Woods.

Route No. 141. Beginning at a point on Route No. 28 at or near Sauk Centre, thence extending in a southerly direction to a point on Route No. 4.

Route No. 142. Beginning at a point on Route No. 4 at or near Paynesville, thence extending in a northwesterly direction to a point on the line between the states of Minnesota and North Dakota; affording Paynesville, Glenwood, and Elbow Lake a reasonable means of communication each with the other and other places within the state.

Route No. 143. Beginning at a point on Route No. 10 westerly of Penneck, thence extending in a northerly direction to a point on Route No. 142 as herein established.

Route No. 144. Beginning at a point on Route No. 6 at or near Madison, thence extending in a northeasterly and northerly direction to a point on Route No. 142 as herein established at or near Barrett; affording Madison, Appleton, Morris, and Barrett a reasonable means of communication each with the other and other places within the state.

Route No. 145. Beginning at a point on Route No. 10 at or near Willmar, thence extending in a westerly direction to a point on Route No. 144 as herein established.

Route No. 146. Beginning at a point on Route No. 49, thence extending in a southerly direction through Maynard to a point on Route No. 12.

Route No. 147. Beginning at a point on Route No. 66 at or near Appleton, thence extending in a northwesterly direction to a point on Route No. 6.

Route No. 148. Beginning at a point on Route No. 6 at or near Ortonville, thence extending in a northwesterly direction to a point on Route No. 28.

Route No. 149. Beginning at a point on Route No. 148 as herein established at Ortonville, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 150. Beginning at a point on Route No. 12 at or near Hector, thence extending in a northerly direction to a point on Route No. 4 at or near Paynesville; affording Hector, Grove City, and Paynesville a reasonable means of communication each with the other and other places within the state.

Route No. 151. Beginning at a point on Route No. 24 southerly of Kimball, thence extending in a southerly direction to a point on Route No. 14 at or near

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Winthrop; affording Kimball, Hutchinson, and Winthrop a reasonable means of communication each with the other and other places within the state.

Route No. 152. Beginning at a point on Route No. 10 at or near Herman, thence extending in a northwesterly direction to a point on Route No. 3 southerly of Breckenridge.

Route No. 153. Beginning at a point on Route No. 3 at or near Evansville, thence extending in a northwesterly direction to a point on Route No. 6 southerly of Fergus Falls.

Route No. 154. Beginning at a point on Route No. 6 at or near Canby, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 155. Beginning at a point on Route No. 12 southerly of Madison, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 156. Beginning at a point on Route No. 104 as herein established in the city of Minneapolis at the easterly end of Washington Avenue, thence extending in a northwesterly and northerly direction to a point on Route No. 62 easterly of the Great Northern Railway.

Route No. 157. Beginning at a point on Route No. 35 on the north side of Mille Lacs Lake, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 158. Beginning at a point on Route No. 11 at International Falls, thence extending in an easterly direction to Black Bay.

Route No. 159. Beginning at a point on Route No. 5 at or near Swan River, thence extending in a northerly direction to a point on Route No. 4 at or near Little Fork; affording Swan River, Nashwauk, and Little Fork a reasonable means of communication each with the other and other places within the state.

Route No. 160. Beginning at a point on Route No. 35 at or near Tower, thence extending in a westerly direction to a point on Route No. 136 as herein established southerly of Red Lake.

Route No. 161. Beginning at a point on Route No. 3 in Red Wing, thence extending in a northerly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 162. Beginning at a point on Route No. 34 at or near Remer, thence extending in an easterly direction to a point on Route No. 8.

Route No. 163. Beginning at a point on Route No. 1 at or near Moose Lake, thence extending in a northerly direction to a point on Route No. 11 southerly of Orr; affording Moose Lake, Cromwell, Floodwood, Hibbing, Chisholm, and Orr a reasonable means of communication each with the other and other places within the state.

Route No. 164. Beginning at a point on Route No. 1, thence extending in a northerly direction through Cloquet to a point on Route No. 11.

Route No. 165. Beginning at a point on Route No. 8 westerly of Deer River, thence extending in a northwesterly direction to a point on Route No. 4.

Route No. 166. Beginning at a point on Route No. 35 at Ely, thence extending in a southeasterly direction to a point on Route No. 1.

Route No. 167. Beginning at a point on Route No. 11 northerly of Virginia, thence extending in a northeasterly direction to a point on Route No. 160 as herein established westerly of Tower.

Route No. 168. Beginning at a point on Route No. 4 near Itasca State Park, thence in a northwesterly direction to a point on Route No. 31 at Mahnomen.

Route No. 169. Beginning at a point on Route No. 8 at or near Bagley, thence extending in a southerly direction to a point on Route No. 168 as herein established.

Route No. 170. Beginning at a point on Route No. 32 at or near Thief River Falls, thence extending in an easterly direction to a point on Route No. 136 as herein established.

Route No. 171. Beginning at a point on Route No. 6 near St. Vincent, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 172. Beginning at a point on Route No. 6 at or near Donaldson, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

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Route No. 173. Beginning at a point on Route No. 6 at or near Warren, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 174. Beginning at a point on Route No. 8 at or near Erskine, thence extending in a northwesterly direction to a point on Route No. 6 southerly of Noyes.

Route No. 175. Beginning at a point on Route No. 8 at or near Crookston, thence extending in a southerly direction to a point on Route No. 6 northerly of Hendrum.

Route No. 176. Beginning at a point on Route No. 175 as herein established at or near Halstad, thence extending in a westerly direction to a point on the line between the states of Minnesota and North Dakota.

Route No. 177. Beginning at a point on Route No. 32 southerly of Red Lake Falls, thence extending in a southerly direction to a point on Route No. 182.

Route No. 178. Beginning at a point on Route No. 6 near Crookston, thence extending in a southeasterly direction to a point on Route No. 177 as herein established at or near Fertile.

Route No. 179. Beginning at a point on Route No. 6 at or near Ada, thence extending in a southerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 180. Beginning at a point on Route No. 153 as herein established at or near Ashby, thence extending in a northeasterly direction to a point on Route No. 181 as herein established at or near Otter Tail.

Route No. 181. Beginning at a point on Route No. 36 at or near Henning, thence extending in a northwesterly direction to a point on Route No. 2 at or near Perham.

Route No. 182. Beginning at a point on Route No. 30 at or near Lake Lizzie, thence extending in a westerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 183. Beginning at a point on Route No. 36 east of Henning, thence extending in an easterly direction to a point on Route No. 2 at or near Staples.

Route No. 184. Beginning at a point on Route No. 29 at or near Deer Creek, thence extending in a northerly direction to a point on Route No. 2.

Route No. 185. Beginning at a point on Route No. 1 at Sandstone, thence extending in a northeasterly direction to a point on Route No. 103 as herein established in Duluth.

Route No. 186. Beginning at a point on Route No. 110 as herein established, thence extending in an easterly direction to a point on Route No. 185 as herein established at or near Askov; affording Isle, Finlayson, and Askov a reasonable means of communication each with the other and other places within the state.

Route No. 187. Beginning at a point on Route No. 18 at or near Elk River, thence extending in a southerly direction to a point on Route No. 117 as herein established.

Route No. 188. Beginning at a point on Route No. 69 at Buffalo, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 189. Beginning at a point on Route No. 5 southerly of Mora, thence extending in a southerly direction to a point on Route No. 132 as herein established.

Route No. 190. Beginning at a point on Route No. 6 at or near Wheaton, thence extending in a southwesterly direction to a point on Route No. 28 at or near Browns Valley.

Route No. 191. Beginning at a point on Route No. 190 as herein established southwesterly of Wheaton, thence extending in a westerly direction to a point on the line between the states of Minnesota and South Dakota.

Route No. 192. Beginning at a point on Route No. 1 at or near Hinckley, thence extending in an easterly direction to the line between the states of Minnesota and Wisconsin.

Route No. 193. Beginning at a point on Route No. 2 at or near Motley, thence extending in a northerly direction to a point on Route No. 34 westerly of Walker.

Route No. 194. Beginning at a point on Route No. 117 as herein established at or near Mendota, thence extending in a northeasterly direction to a point on Route No. 102 as herein established.

Route No. 195. Beginning at a point on Route No. 1 at or near Albert Lea, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa.

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GENERAL PROVISIONS RELATING TO ROADS 160.65

Route No. 196. Beginning at a point on Route No. 8 at or near Grand Rapids, thence extending in a northerly direction to a point on Route No. 160 as herein established; affording Grand Rapids and Big Fork a reasonable means of communication each with the other and other places within the state.

Route No. 197. Beginning at a point on Route No. 4 southerly of Park Rapids, thence extending in an easterly direction to a point on Route No. 139 as herein established easterly of Backus.

Route No. 198. Beginning at a point on Route No. 9 at or near LaCrescent, thence extending in a southerly direction to a point on the line between the states of Minnesota and Iowa.

Route No. 199. Beginning at a point on Route No. 9 at or near Austin, thence extending in a southwesterly direction to a point on the line between the states of Minnesota and Iowa.

Route No. 200. Beginning at a point on Route No. 4 at or near Itasca State Park, thence extending in a westerly direction to a point on Route No. 30 at or near Waubon.

Route No. 201. Beginning at a point on Route No. 82, as herein established, near Waldorf, thence extending in a northwesterly direction to a point on Route No. 39 at or near Mankato.

Route No. 202. Beginning at a point on Route No. 11 at or near Eveleth, thence extending in a northeasterly direction to a point on Route No. 35 at Gilbert.

Route No. 203. Beginning at a point on Route No. 11 westerly of Duluth, thence extending in a southeasterly direction through Proctor and Duluth to the water's edge of St. Louis Bay, and there terminating.

Route No. 204. Beginning at a point on Route No. 11, westerly of Duluth, thence extending in a southeasterly direction to a point on Route No. 103, as herein established in Duluth.

Route No. 205. Beginning at a point on Route No. 54, easterly of Herman, thence extending in an easterly direction to a point on Route No. 29, at or near Alexandria.

Route No. 206. Beginning at a point on Route No. 30, at or near Pelican Rapids, thence extending in an easterly direction to a point on Route No. 181, as herein established, southerly of Perham.

Route No. 207. Beginning at a point on Route No. 2, at or near Frazee, thence extending in an easterly direction to a point on Route No. 4 at or near Menahga.

Route No. 208. Beginning at a point on Route No. 28 at or near Starbuck, thence extending in a northerly direction to a point on Route No. 3 at or near Garfield.

Route No. 209. Beginning at a point on Route No. 3 at or near Becker, thence extending in a northerly direction to a point on Route No. 18, at or near Brainerd; affording Becker, Foley, Gilman, Pierz, and Brainerd, a reasonable means of communication each with the other and other places within the state.

Route No. 210. Beginning at a point on Route No. 10 at or near Benson, thence extending in an easterly direction to a point on Route No. 4 at or near New London.

Route No. 211. Beginning at a point on Route No. 64 at or near Barnesville, thence extending in a southwesterly direction to a point on Route No. 3 at or near Breckenridge.

Route No. 212. Beginning at a point on Route No. 3 at or near Robbinsdale, thence extending in a northeasterly and easterly direction to a point on Route No. 62 easterly of New Brighton, affording necessary and reasonable means of communication to industrial areas engaged in the manufacture of essential war materials, and bringing into the Trunk Highway System an important route a portion of which has been heretofore improved with federal aid, and all of which has been approved for surveys and plans with federal funds by the Public Roads Administration.

Route No. 213. Beginning at a point on Route No. 185 in Duluth, thence extending in an easterly direction to a point on the line between the State of Minnesota and Wisconsin.

Route No. 214. Beginning at a point on Constitutional Route No. 3, now known as Trunk Highway No. 61 in the City of Wabasha, Minnesota; thence northerly to a point on the line between the states of Minnesota and Wisconsin.

[1923 c. 427 s. 1; 1929 c. 86; 1933 c. 440 s. 1; 1943 c. 324 s. 1; 1943 c. 399 s. 1; 1945 c. 249 s. 1] (2662-1, 2662-2½)

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160.66 FUNDS AVAILABLE FOR ADDITIONAL TRUNK HIGHWAYS. Funds are available for the construction, improvement, and maintenance of the additional routes of the trunk highway system set forth in section 160.65, sufficient therefor, in addition to the construction and maintenance of the several routes specifically described in the Constitution of the State of Minnesota, Article 16, and the additional routes described in section 160.65 are each and all hereof added to the trunk highway system pursuant to the power and authority vested in the legislature under the Constitution of the State of Minnesota, Article 16.

[1933 c. 440 s. 2; 1943 c. 324 s. 2; 1943 c. 399 s. 2; 1945 c. 249 s. 2] (2662-2½a)

160.67 LOCATION OF ADDITIONAL TRUNK HIGHWAYS; DEVIATIONS; POWER OF COMMISSIONER OF HIGHWAYS. The commissioner of highways is hereby authorized and empowered to specifically and definitely locate each of the foregoing described routes; but, in so locating the same, he shall not deviate from the starting points or terminals as set forth in section 160.65, nor shall there be any deviation from the various villages and cities named therein through which such routes shall pass. All of the provisions of existing law defining the powers and duties of the commissioner of highways with reference to the temporary and permanent location of trunk highways and other highway matters are hereby conferred upon him with respect to the routes set forth in section 160.65.

[1933 c. 440 s. 6; 1943 c. 324 s. 3; 1943 c. 399 s. 3; 1945 c. 249 s. 3] (2662-2½b)

160.68 LAWS RELATING TO TRUNK HIGHWAY SYSTEM TO APPLY. All of the provisions of law relating to the trunk highway system shall apply to the trunk highway routes created and established by section 160.65.

[1923 c. 427 s. 2] (2662-2)

160.685 WHEN CONSTRUCTION IS TO BEGIN ON ROUTE NO. 212. No action shall be taken under Laws 1943, Chapter 324, no materials purchased, no contracts let, no right of ways purchased, no condemnation proceedings shall be commenced hereunder and no construction of said new route commenced unless and until the commissioner of highways is definitely assured and is reasonably satisfied that priorities will be had and that the materials and labor necessary for the construction of said new route are directly available and that no construction is to be commenced under Laws 1943, Chapter 324, unless commenced prior to the cessation of the present hostilities, it being the intent hereof that this is a war emergency measure designed to construct forthwith a highway that will accelerate the transportation of war employees to and from war plants situate along said new route.

[1943 c. 324 s. 4]

160.69 "CAPITOL HIGHWAY." The following route between the city of St. Paul and the south boundary of the state of Minnesota is hereby named and designated "The Capitol Highway":

Beginning at the intersection of University avenue and highway No. 62 in Anoka county, thence southerly along University avenue through Minneapolis, and thence southerly along University avenue and Robert street through St. Paul, thence southerly along South Robert street through West St. Paul, to a point at or near the northeast quarter-corner of section 19, township 27, range 22, thence southeasterly and southerly to a point at or near the southeast corner of section 35, township 113, range 19, thence southerly, traversing in part the line between Rice and Goodhue counties, to trunk highway No. 21, thence southeasterly on such highway to trunk highway No. 56, thence southerly on trunk highway No. 56 through Dodge Center to trunk highway No. 9, thence east on trunk highway No. 9 to the northeast corner of section 2, township 102, range 17; thence in a southeasterly direction along Mower county state aid road "A" to a point on the Iowa state line at or near the center of section 34, township 101, range 14.

[1927 c. 235; 1931 c. 126 s. 1] (2662-3)

160.70 "COLVILL MEMORIAL HIGHWAY." The following described highway shall be known as "The Colvill Memorial Highway":

Beginning at Gaylord and running thence in an easterly direction through Lonsdale, Northfield, and Cannon Falls, terminating at the city of Red Wing.

[1933 c. 353] (2662-4)

160.71 "FLOYD B. OLSON MEMORIAL HIGHWAY." The following described highway shall be known as the "Floyd B. Olson Memorial Highway":

Route No. 55, when permanently established, shall thereafter be known as the "Floyd B. Olson Memorial Highway," in addition to its statutory number.

[1937 c. 458] (2662-5)