

Highways; Roads

CHAPTER 160

ROADS, GENERAL PROVISIONS

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160.01 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.01 SCOPE OF CHAPTERS 160 TO 165. Subdivision 1. **Designation.** For the purposes of chapters 160 through 165 the roads of this state shall be designated and referred to as trunk highways, county state-aid highways, municipal state-aid streets, county highways, and town roads. They shall be established, located, constructed, reconstructed, improved, and maintained as provided in chapters 160 through 165 and acts amendatory thereto.

Subd. 2. **Certain streets excluded.** The provisions of chapters 160 through 165 do not relate to highways or streets established by, or under the complete jurisdiction of cities, villages, and boroughs except when the provisions refer specifically to such highways or streets.

[1959 c 500 art 1 s 1]

160.011 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.012 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.013 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.02 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.02 DEFINITIONS. Subdivision 1. **Purposes.** For the purposes of this chapter the terms defined in this section have the meanings given them.

Subd. 2. **Trunk highways.** "Trunk highways" includes all roads established or to be established under the provisions of Article XVI, Section 2 of the constitution of the state of Minnesota.

Subd. 3. **County state-aid highways.** "County state-aid highways" includes all roads established in accordance with law as county state-aid highways.

Subd. 4. **County highways.** "County highways" includes those roads which have heretofore been or which hereafter may be established, constructed, or improved under authority of the several county boards, including all roads lying within the county or on the line between counties established by judicial proceedings, except those roads established, constructed, or improved by the counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957. All roads heretofore designated prior to July 1, 1957 as county-aid highways shall be county highways until abandoned or changed in accordance with law.

Subd. 5. **Municipal state-aid streets.** "Municipal state-aid streets" includes all streets within the cities, villages, or boroughs having a population of 5,000 or more, established in accordance with law as municipal state-aid streets.

Subd. 6. **Town roads.** "Town roads" includes those roads and cartways which have heretofore been or which hereafter may be established, constructed, or improved under the authority of the several town boards, roads established, constructed, or improved by counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957, and all roads lying within the town established by user.

Subd. 7. **Road or highway.** "Road" or "highway" includes, unless otherwise specified, the several kinds of highways as defined in this section, and also cart-

ways, together with all bridges or other structures thereon which form a part of the same.

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of highways.

Subd. 9. **Road authority.** "Road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing bodies of cities, villages, and boroughs when the governing bodies or city, village, and borough streets are specifically mentioned.

Subd. 10. **Portage.** "Portage" means a passageway two rods in width extending from one public or navigable water to another public or navigable water or from a public or navigable water to a public highway.

Subd. 11. **Interstate bridge.** "Interstate bridge" means all bridges now existing or which shall be hereafter constructed across boundary waters between the state of Minnesota and any adjoining state thereby connecting highways of this state with the highway system of any adjoining state.

Subd. 12. **Controlled access highway.** "Controlled access highway" means any highway, street, or road, including streets within cities, villages, or boroughs, over, from, or to which owners or occupants of abutting land or other persons have or are to have no right of access, or only a controlled right of the easement of access, light, air, or view.

Subd. 13. **Public property.** "Public property" means any property except streets, roads, or bridges owned by any subdivision of government, including but not limited to, the property of school districts however organized, towns, villages, boroughs, cities, municipalities, counties, and any board or commission of any thereof, and public corporations created by the laws of this state.

[1959 c 500 art 1 s 2]

160.021 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.03 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.03 **COMPENSATION FOR PUBLIC PROPERTY.** Whenever public property is taken, damaged, or destroyed for highway purposes, just compensation shall be paid therefor.

[1959 c 500 art 1 s 3]

160.031 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.04 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.04 **WIDTH OF ROADS.** Except as otherwise provided, all roads hereafter established, except cartways, shall be at least four rods wide. Additional right of way and easements, including easements needed for drainage, may be acquired by purchase, gift, or eminent domain proceedings when necessary for construction, maintenance, safety, or convenient public travel. The necessity for such additional right of way and easements shall be determined by the road authority having jurisdiction over the particular road involved.

[1959 c 500 art 1 s 4]

160.041 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.05 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.05 **DEDICATION OF ROADS.** Subdivision 1. **Six years.** 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 highway whether the same has ever been established as a public highway or not; provided, that nothing herein contained shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, Chapter 110. This subdivision shall apply to roads and streets except platted streets within cities, villages, and boroughs.

Subd. 2. **Roads on and parallel to 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 a 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.

[1959 c 500 art 1 s 5]

160.051 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.06 M.S. 1953 [Repealed, 1957 c 943 s 72]

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160.06 TRAIL OR PORTAGE DEDICATION. Any trail or portage between public or navigable bodies of water or from public or navigable water to a public highway 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 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 the trail or portage.

[1959 c 500 art 1 s 6]

160.061 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.07 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.07 IMPROVEMENTS WITHIN OR WITHOUT BOUNDARIES. The road authority of any county, town, city, village, or borough may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads, bridges, or ferries lying beyond the boundary of and leading into such county, town, city, village, or borough.

[1959 c 500 art 1 s 7]

160.071 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.08 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.08 CONTROLLED ACCESS. Subdivision 1. **Plans.** The road authorities of the state, counties, cities, villages, and boroughs acting either alone, or in cooperation with each other, or with any federal agency, or with any other state or subdivision of another state having authority to participate in the construction or maintenance of highways are authorized to plan for the designation, establishment, location, relocation, improvement, and maintenance of controlled access highways for public use whenever the road authorities determine that traffic conditions, present or future, will justify such highways.

Subd. 2. **Approval of municipality.** Except for trunk highway routes on the interstate system, no controlled access highway shall be constructed or improved within the corporate limits of any city, village, or borough unless the plans therefor shall be first approved by the governing body of the city, village, or borough.

Subd. 3. **Traffic control.** Such road authorities are authorized to so design any controlled access highway, and to so regulate, restrict, or prohibit access as to best serve the traffic for which the highway is intended. Such road authorities are authorized to divide and separate any controlled access highway into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating the separate roadways by signs, markers, stripes, or other devices. No person shall have any rights of ingress or egress to, from, or across controlled access highways to or from abutting lands, except at the designated points or roadways thereof where access is permitted by such road authorities upon such terms and conditions as such road authorities specify.

Subd. 4. **Acquisition of property.** Property rights, including rights of access, air, view, and light, may be acquired by said road authorities with respect to both private and public property by purchase, gift, or condemnation.

Subd. 5. **Elimination of grade intersections; additional access openings; compensation.** Such road authorities may locate, establish, and construct controlled access highways, or may designate and establish an existing street or highway as a controlled access highway. Such road authorities are authorized to provide for the elimination of grade intersections of controlled access highways with other existing streets or highways of any kind or nature whatsoever. The elimination may be accomplished by the construction of grade separations, or the construction of an outer lane as part of the controlled access highway, or by closing off streets or highways at the right of way boundary of the controlled access highway. When an outer lane is constructed, the abutting owners shall have access to the outer lane unless the petition and notice in condemnation, or the highway deed in cases of purchase, clearly specifies that the right of access to the outer lane has been acquired. After the establishment of any controlled access highway no other street or highway or private entry shall be opened into or connected with any controlled access highway without the consent and prior approval of the road authority having jurisdiction over the controlled access highway. The consent and approval shall be given only if the public interest shall be served thereby. In the case of

any elimination of existing access, air, view, light, or other compensable property rights, the owner shall be compensated for the loss by purchase or condemnation.

Subd. 6. **Construction limited.** None of the provisions contained herein shall be construed to limit, restrict, or nullify any rights or easements of access heretofore acquired by the state or any of its political subdivisions.

Subd. 7. **No commercial establishment within right of way.** No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly-owned or publicly-leased land acquired or used for or in connection with, a controlled access highway.

[1959 c 500 art 1 s 8]

160.081 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.09 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.09 CHANGE OF ROAD BY COUNTY OR TOWN BOARD. Subdivision 1. **Change in location.** When the road authority of a county or town changes the location of a highway or road under its jurisdiction, the old road shall remain open until the new road is opened for travel. The old road or any portion thereof shall not revert to the abutting owners until vacated by the road authority in accordance with law.

Subd. 2. **Old roads to remain open.** When the new road does not provide access to property whose only means of access was the old road, then and in that event, the portion of the old road providing the access shall remain open for travel and shall be maintained by the county or town road authority until other means of access are provided after which it may be vacated as provided by law.

Subd. 3. **Not to be vacated in certain cases.** When a county highway or town road is the only means of access to any property or properties containing an area or combined area of five acres or more, the highway or road shall not be vacated without the consent of the property owner unless other means of access are provided.

[1959 c 500 art 1 s 9]

160.091 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.10 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.10 ROADS ON MINERAL LANDS. Subdivision 1. **Change of location.** When any road, including any street within a city, village, or borough, crosses mineral land and the road interferes with mining operations on the land, the owner or lessee of the land may notify the road authority of the interference and request that the road be relocated. The road authority shall, thereupon in the manner provided by law, relocate the road so as not to interfere with the mining operations. The relocated road shall be constructed to at least the engineering standards of the old road unless the road authority determines that such standards are not necessary for safety or for the convenience of public travel. All right of way needed for such relocation shall be provided by the owner or lessee of the land or shall be acquired by the road authority by gift, purchase, or other manner provided by law.

Subd. 2. **Buildings, structures, relocation of road.** When any road crosses any lands including mineral lands outside the limits of any city, village, or borough, and such road interferes with the placing of buildings, structures, or other improvements on such land, the road authority may relocate the road upon the request of the owner of the land; provided that the safety and convenience of public travel shall not be impaired thereby.

Subd. 3. **Surety bond.** Before relocating such road, the road authority may require of such owner or lessee a surety bond in a sum as the road authority deems sufficient, conditioned for the payment of all damages and all costs incident to the relocation.

Subd. 4. **Construction of relocated road.** The owner or lessee may choose to construct the relocated road with his own forces or by contract, or he may elect to have the construction done in whole or in part by the road authority. The owner or lessee and the road authority shall enter into an agreement setting forth the respective responsibilities of each in accord with the provisions of this section.

Subd. 5. **Approval of plans and inspection of construction work.** If the owner or lessee elects to construct the relocated road, the design and plans therefor shall first be approved by the road authority. The road authority shall have the right

to inspect the construction work as it progresses, and the construction work shall be approved by the road authority prior to the road being opened for travel.

Subd. 6. **Damages.** 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. All right of way costs and all costs of right of way acquisition, and all construction costs shall be paid by the owner or lessee requesting such relocation; provided, that if the road authority determines that such relocation shall be constructed to a greater width or to a higher standard than the old road, the road authority shall pay the additional right of way or construction costs incurred thereby.

Subd. 7. **Agreements.** When any road including streets within cities, villages, or boroughs is to be established over mineral lands; or over lands containing gravel, the road authority and the owner or lessee may enter into equitable agreements to provide for the use of such lands for road purposes and for the relocation of the road whenever the road interferes with mining operations.

Subd. 8. **Section construction.** Nothing in this section shall be construed to limit the power of any road authority including road authorities of cities, villages, or boroughs, to vacate a road by or under any other provision of law. Nothing herein shall affect contractual rights or obligations in existence as of the date of the passage of this section between the road authority and the owner or lessee of mining lands.

[1959 c 500 art 1 s 10]

160.101 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.11 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.11 ROAD BUILDING MATERIALS. Subdivision 1. **Acquisition of lands.** When 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 its jurisdiction, it may procure by purchase, gift, or condemnation in the manner provided by law any lands within the state 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.

Subd. 2. **Sale of road building materials by municipalities.** The county board, town board, or council of any city or village may engage in the processing of crushed rock or other road building material for use on public roads or streets within their respective jurisdictions; and such road authorities, including the commissioner of highways, may by agreement sell to any other road authority any unprocessed or pit-run sand, rock, crushed rock, gravel or other earth material suitable for road purposes, upon terms and conditions as may be mutually agreed upon by the parties.

Subd. 3. **Acquisition of road building materials by state.** The highway commissioner shall have the right to lease lands containing road building material or purchase by cubic yard or on a royalty basis crushed rock or other road building material needed for fill, road base, and surfacing purposes. He may acquire by eminent domain proceedings in the manner provided by law any tax forfeited lands containing gravel or other road building materials suitable for road purposes, together with the right of way to the same of sufficient width to allow trucks or other vehicles to pass. For borrow purposes he may also acquire by purchase, gift, or eminent domain proceedings, non-tax forfeited lands containing materials other than gravel.

[1959 c 500 art 1 s 11; 1965 c 836 s 1]

160.111 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.12 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.12 TEMPORARY ROADS AROUND CONSTRUCTION. When a road authority determines that construction or maintenance work on a public highway under its jurisdiction requires a temporary road around the portion of the highway under construction or maintenance, the road authority may by order or resolution establish and construct a temporary road adequate for such purpose and procure the necessary right of way therefor in the manner provided by law.

[1959 c 500 art 1 s 12]

160.121 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.13 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.13 LIGHTING AND MARKING HIGHWAYS. Road authorities may light or mark highways and appurtenances thereon and may install other safety devices as they deem necessary in the interests of safety and convenient public travel.

[1959 c 500 art 1 s 13]

160.131 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.14 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.14 MARKING BOUNDARIES OF HIGHWAYS. Subdivision 1. **Placing marking devices.** Road authorities may place and shall thereafter preserve and maintain suitable monuments or other marking devices in such manner as to clearly indicate the boundary lines of highways. The location of the boundary markings shall be described and filed with the register of deeds in the county where the highways are located.

Subd. 2. **Service of notice upon abutting land owners.** The road authority shall serve written notice of such markings upon abutting land owners within 30 days after the placement of the marking devices. Unless written objections are served and filed within one year thereafter, as hereinafter provided, the boundary lines of the highways as marked shall be final and conclusive.

Subd. 3. **Reservation of rights of abutting owners.** Within one year after the notice, any abutting owner may serve upon the road authority signed written objections to the highway boundaries as marked, specifying wherein he believes the boundaries as marked to be in error. A copy thereof executed in accordance with Minnesota Statutes, Section 507.24 shall be filed with the register of deeds in the county where the highway is located. The service and filing of the objections shall preserve the rights of the abutting owner in and to the land in controversy until the boundaries of the highway are judicially determined or until agreed to by the abutting owner and the road authority.

Subd. 4. **Judicial determination.** Within 12 months after the service and filing of the objections, the road authority or the abutting owner shall serve and file a note of issue with the clerk of the district court in the county in which the land is located. The court shall determine the correctness of the placing of the monuments or marking devices. Except as herein otherwise provided the procedure shall be governed by the rules governing civil actions. When the matters shall have been finally determined, the location of such monuments or markers shall be in accordance with the court decree and the determination of the location shall be final. A copy of the court decree shall be filed by the road authority with the register of deeds.

[1959 c 500 art 1 s 14]

160.141 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.15 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.15 PRESERVATION OF SECTION OR QUARTER SECTION CORNERS. Subdivision 1. **Permanent marking of section or quarter section corners.** Whenever the construction, reconstruction, or maintenance of a public highway, including city, village, or borough streets, causes the destruction or obliteration of a known section or quarter section corner marking or monument, it shall be the duty of the road authority having jurisdiction over the highway or street to provide for the permanent marking of such corners and to place reference or witness monuments so that the corners can be readily located.

Subd. 2. **Manner of placement.** The permanent marking of the corners and establishment of reference or witness monuments shall be in the manner following: At the exact location of the corner there shall be placed a stone, concrete, or metal marker not less than four inches in diameter at the top and not less than 18 inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth.

Subd. 3. **Time of placement.** Reference or witness monuments evidencing the location of the corner shall be established before the obliteration of the corner in at least two places most practicable and shall consist of stone, concrete, or cast-iron.

Subd. 4. **Filing of certificate.** The engineer or surveyor placing and establishing the markers or monuments shall file a certificate to that effect in the office of the register of deeds in the county or counties wherein the markers or monuments were placed. Each certificate shall contain only the record of markers and

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monuments at one corner. The register of deeds may charge a fee of 50 cents for each certificate filed.

Subd. 5. **Contents of certificate.** The certificates shall be on sheets of durable paper, which sheets shall be in size 11 by 11 inches with a margin at the left for binding of one and one-half inches. The certificates shall be substantially in the following form: "I hereby certify that on the.....day of.....I found the.....corner of.....which was evidenced by....., and I further certify that to perpetuate the location of such corner, I did at the exact location thereof place a permanent marker consisting of..... I further certify that I established.....reference or witness monuments consisting of..... which reference or witness monuments are located in the manner following: Dated at.....this..... day of....., 19....."
Title.

Subd. 6. **Cost of placing markers.** The cost of placing the markers and monuments, including filing fees, shall be paid out of the respective funds provided by law, or set aside for highway or street purposes.

[1959 c 500 art 1 s 15]

160.151 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.16 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.16 WARNING SIGNS AND DETOUR SIGNS. Subdivision 1. **Contract to provide for warning signs.** Whenever the road authorities enter into a contract for the construction or improvement of any road, culvert, or bridge thereon they shall, as a condition of the contract, provide therein that the contractor shall place suitable warning signs at the highways intersecting the road so to be constructed or improved warning the public that the road under construction or improvement is impassable at a designated place or distance from the warning sign. The signs shall be placed at such places as will obviate unnecessary travel by persons not otherwise aware of the impassable condition of the roads. Nothing in the provisions of chapters 160 through 165 shall make any town, county, or the state liable in damages for the failure of the road authorities to provide in any contract for the erection of a warning sign as is herein provided for, or the failure of any contractor to erect same in accordance herewith.

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

Subd. 3. **Barricades.** The road authorities may also provide, by contract or otherwise, for the erection of barricades, fences or other obstructions so as to prevent traffic from entering any impassable section of road or a section closed to public travel.

[1959 c 500 art 1 s 16]

160.161 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.17 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.17 ROAD CONSTRUCTION CONTRACTS; COUNTIES AND TOWNS.

Subdivision 1. **Plans and specifications to be filed in certain cases.** No contract for the construction or improvement of any road by a county or town wherein the contract price exceeds \$2500 shall be let unless the plans and specifications for such construction or improvement are on file in the office of the county auditor and a true copy thereof available for reference in the office of the county highway engineer with respect to county and county state-aid highways, and with the town clerk with respect to town roads.

Subd. 2. **Advertisement for bids.** No county or town road contract for construction or improvement exceeding \$2500 shall be let without first advertising for bids in a newspaper of general circulation published in the county where the construction or improvement is proposed to be done. The advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten days before the time fixed for receiving bids and letting the contract. It shall specify, generally, the work to be done, the place where the plans and spe-

cifications are on file, and the time and place of receiving bids and awarding the contract.

Subd. 3. **Final payment.** Final payment shall not be made on any contract for road work by any county or town board until the engineer or person in charge of the work has certified to the county board or the town board, as the case may be, that the work has been done and performed according to contract and the certificate shall have been filed in the office of the county auditor or town clerk.

Subd. 4. **Misdemeanors.** 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 the contract exceeds the sum of \$200 before the certificate provided for in subdivision 3 shall have been filed shall be guilty of a misdemeanor.

[1959 c 500 art 1 s 17]

NOTE: As to county contracts, see also section 375.21.

As to town contracts, see also section 365.37.

160.171 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.18 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.18 ACCESS TO ROADS; APPROACHES. Subdivision 1. **Culvert to be furnished on existing highways.** Except when the easement of access has been acquired, the road authorities as to highways already established and constructed shall furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for suitable approach to such highway.

Subd. 2. **Approaches to newly established highways.** Except when the easement of access has been acquired, the road authorities in laying out and constructing a new highway or in relocating or reconstructing an old highway shall construct suitable approaches thereto within the limits of the right of way where the approaches are reasonably necessary and practicable, so as to provide abutting owners a reasonable means of access to such highway.

Subd. 3. **Approaches to serve particular uses.** The owner or occupant of property abutting upon a public highway, having a right of direct private access thereto, may provide such other or additional means of ingress from and egress to the highway as will facilitate the efficient use of the property for a particular lawful purpose, subject to reasonable regulation by and permit from the road authority as is necessary to prevent interference with the construction, maintenance and safe use of the highway and its appurtenances and the public use thereof.

[1959 c 500 art 1 s 18]

160.181 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.19 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.19 DRAINAGE DITCH CROSSING RAILROAD RIGHT OF WAY. When a road authority constructs a drainage ditch to drain a highway over lands acquired for that purpose and the ditch crosses the right of way of any railroad, it shall be the duty of the railroad company upon demand of the road authority to forthwith carry the ditch under and across its right of way. The cost of carrying the ditch under or across the railroad shall be divided proportionately between the road authority and the railroad company on the basis of benefits accruing to each. Nothing in this section shall apply to or affect a county ditch, judicial ditch, or public drainage system.

[1959 c 500 art 1 s 19; 1961 c 87 s 1]

160.191 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.20 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.20 DRAINAGE. Subdivision 1. **Connecting drains to highway drains.** When the course of natural drainage of any land runs to a highway, the owner of the land shall have the right to enter upon the highway for the purpose of connecting his drain or ditch with any drain or ditch constructed along or across the highway, but before making the connections he shall first obtain a written permit for the connections from the road authority having jurisdiction. The connections shall be made in accordance with specifications set forth in the permits. The road authority shall have power to prescribe and enforce reasonable rules and regulations with reference to the connections. The highway shall be left in as good condition in every way as it was before the connection was made.

Subd. 2. **Constructing tile drain across highway.** If any person desires during construction or reconstruction of a highway to install a tile drain for agricultural benefits in a natural drainage line in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the right of way and the

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tile line must be projected across the right of way to a suitable outlet, the expense of both material and labor used in installing the tile drain across the roadbed shall be paid from funds available for the roads affected provided the road authority is notified of the necessity of the tile drain in advance of the construction of the roadbed so that the drain may be placed and the roadbed constructed in the same operation.

[1959 c 500 art 1 s 20]

160.201 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.201 PUBLIC ROAD DITCHES. Subdivision 1. **Improving and draining.** For the purpose of draining public roads and preventing accumulations of water in road ditches, the overflow of which may damage adjacent lands, the various authorities having supervision over public roads, in addition to all other powers granted to said authorities, are authorized and empowered to expend moneys from funds available therefor in repairing, cleaning out, deepening, widening and improving public road ditches within the jurisdiction and supervision of such authorities. The necessity for such work shall be determined by the authorities which now have the supervision of said public roads; provided, that before said work may be done said road supervising authority shall determine that said road ditch as so improved will be provided with an adequate outlet.

Subd. 2. **Rental of ditch machinery by county board to municipalities.** The county board of any county now or hereafter owning machinery or equipment used in the construction and maintenance of ditches may lease such machinery and its incidental appliances to municipalities within such county upon such rate of rental and upon such terms and conditions as the county board may prescribe.

[1945 c 36]

160.21 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.21 SNOW REMOVAL. Subdivision 1. **Agreements.** Road authorities, including road authorities of cities, villages, and boroughs, may contract with each other for the construction and maintenance of, or removal of snow from, any or all highways under their supervision. Such road authorities may also contract with any agency or political subdivision of the state, including but not limited to school districts and public sanatoriums, for the removal of snow from publicly owned lands thereof.

Subd. 2. **Removal from private property.** The road authority of any county or town may remove snow from private property upon payment of not less than the cost thereof when such snow removal does not unduly delay or interfere with the removal of snow from public highways under its jurisdiction.

Subd. 3. **Disposition of money.** All money received for snow removal shall be paid into the respective funds provided by law, or set aside, for highway or street purposes.

Subd. 4. **Emergency snow removal.** Any road authority including road authorities of cities, villages, and boroughs may remove snow from any road or highway in cases of emergency.

Subd. 5. **Deemed employees of hiring authority.** All persons while engaged in snow removal or other work as provided in this section shall be deemed for all purposes the employees of the road authority hiring them.

[1959 c 500 art 1 s 21]

160.211 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.22 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.22 TREES. Subdivision 1. **Planting of trees.** Road authorities may plant and tend trees and shrubs along highways in rural areas in a manner so as to protect the highways from drifting snow. In like manner, with the written consent of the abutting landowner, trees and shrubs may be planted and tended outside the limits of the highways.

Subd. 2. **Consent for removal.** The trees and shrubs shall not thereafter be removed without the consent of the road authority.

Subd. 3. **Acquisition of trees and hedges.** The road authorities may acquire by purchase, gift, or condemnation all trees and hedges within the limits of a highway. Thereafter if the road authority determines that the trees and hedges acquired within the limits of a highway under its jurisdiction interfere with the safety and convenience of public travel thereon, or interfere with the construction, reconstruction, or maintenance thereof, it may cut and remove the trees and hedges

without notice; and may dispose of the trees and hedges in such manner as it deems proper.

Subd. 4. **Removal of trees and hedges not acquired by road authorities.** When the trees and hedges have not been acquired, the road authority may cut and remove trees and hedges from within the limits of highways under its jurisdiction when the road authority determines that the trees and hedges interfere with the maintenance or reconstruction of the highway or interfere with the safety and convenience of public travel thereon.

Subd. 5. **Hearings.** Prior to ordering the cutting and removal of trees and hedges not acquired, the road authority shall fix a time and place of hearing in the county where the lands are located to consider the cutting and removal of such trees and hedges. The owners of the abutting land shall be given written notice of the hearing at least ten days prior to the date fixed therefor. At the hearing the abutting owners shall be given the opportunity to be heard.

Subd. 6. **Notice of determination.** After the hearing the road authority shall serve notice upon the abutting owners of its determination as to the trees and hedges. A copy of the order or resolution shall be attached to the notice.

Subd. 7. **Appeal from determination to remove.** Any abutting owner may, within 30 days from the receipt of the notice required in subdivision 6, appeal to the district court from the determination by filing with the clerk of the court a notice of appeal, together with a bond of not less than \$500, approved by the court, conditioned to pay all costs arising from the appeal in case the determination of the road authority is sustained. The notice of appeal shall state the grounds thereof and a copy shall be forwarded to the road authority. The appeal shall be entered upon the court calendar for trial at the next general term of court, and either party shall be entitled to a jury trial.

Subd. 8. **Disposition of timber and wood.** If no appeal is taken, or if upon appeal the road authority's determination is sustained, the road authority may cut and remove the trees and hedges. The timber and wood thereof shall belong to the abutting owners, and the road authority shall cause the wood and timber to be placed upon the abutting owner's property adjacent to the highway, doing no unnecessary damage to such property. In case the abutting owner notifies the road authority that he does not want the timber or wood, the road authority shall dispose of the wood and timber in such manner as it deems proper.

Subd. 9. **Removal of trees by abutting owner.** No person shall cut or remove trees or hedges acquired by the road authority unless the road authority shall have first consented to the cutting or removal.

[1959 c 500 art 1 s 22]

160.221 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.23 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.23 **DESTRUCTION OF NOXIOUS WEEDS.** Road authorities, including road authorities of cities, villages, and boroughs, shall cause all noxious weeds on their respective highways and streets to be cut down or otherwise destroyed or eradicated as often as may be necessary to prevent the ripening or scattering of seed and other propagating parts of such weeds.

[1959 c 500 art 1 s 23]

160.231 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.24 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.24 **LOGGING RAILROADS ACROSS HIGHWAYS.** Subdivision 1. **Permission to locate.** The road authorities may grant to the owner of any logging railroad permission to locate, construct, and maintain a logging railroad across any highway under their jurisdiction.

Subd. 2. **Contents of permit.** The permit shall specify the place at which such railroad shall cross the highway, the time during which it may be maintained thereon, which shall in no case exceed five years, the manner of its construction and maintenance, and the measures that shall be taken for the protection of the highways and of the public using the highways.

Subd. 3. **Control by road authority.** The construction and maintenance of the railroad crossing shall be under the supervision and control of the road authority granting the permit.

Subd. 4. **Removal from highway.** The person to whom the permit is granted shall, at the expiration of the time therein limited or at such earlier time as the

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crossing is no longer necessary, remove the railroad therefrom and restore the highway to such condition as the authority granting the permit shall require.

Subd. 5. **Surety bond.** Every person to whom the permit is granted shall execute and deliver to the road authority granting the permit a good and sufficient surety bond in such sum as shall be fixed by the road authority granting the permit, conditioned for the compliance with and performance of all of the terms and conditions of the permit and of this section.

[1959 c 500 art 1 s 24]

160.241 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.25 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.25 **TUNNELS UNDER HIGHWAYS.** Subdivision 1. **Permit to construct.** The road authorities may permit any owner or lessee of land abutting both sides of a highway to tunnel under the highway for such purposes as the owner or lessee deems desirable in utilizing the lands. The tunnel and appurtenances thereto shall be constructed and maintained so as not to endanger or unduly inconvenience the public in the use of the highway and, except as hereinafter provided, shall be constructed by the owner or lessee at his expense.

Subd. 2. **Contents of permit.** The permit shall specify the location, size, kind, design, manner of construction of the tunnel, and such safeguards for the traveling public that the road authority deems necessary. All tunnels, bridges, and appurtenances thereto shall be constructed in accordance with the permit.

Subd. 3. **Tunnel to be maintained by road authority.** Any tunnel constructed as provided in this section under any highway shall be maintained by the road authority having jurisdiction over the highway.

Subd. 4. **Agreements for construction and maintenance.** When any road authority determines that the construction of such tunnel is necessary for the safety and convenience of public travel, it may construct and maintain the tunnel, or it may enter into agreements with the abutting landowners for the equitable division of the costs of the construction.

[1959 c 500 art 1 s 25]

160.251 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

160.26 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.26 **MOVING BUILDINGS OVER HIGHWAYS.** Subdivision 1. **To be moved without unnecessary interference.** Buildings or structures moved or caused to be moved upon, across, or along any road or street, including city, village, or borough streets, shall be moved in such manner as not to unnecessarily interfere with, damage, or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, cables, or any appurtenance upon the road or street.

Subd. 2. **Permit.** Buildings or structures together with the vehicle or vehicles moving same of a size or weight exceeding the maximums specified in chapter 169 and acts amendatory thereto shall not be moved or caused to be moved upon, across, or along any road or street without first obtaining a written permit from the road authority including road authorities of cities, villages, and boroughs having supervision over such road or street. The county board as to highways under its jurisdiction may authorize the county engineer to issue the permits.

When a permit is granted by the commissioner for the moving of buildings or structures exclusively on trunk highways no other permit shall be required from any political subdivision of the state for the moving of such buildings or structures on such trunk highways. When a permit is granted by the county board or county engineer for the moving of buildings or structures exclusively on highways under the jurisdiction of the county board no other permit shall be required from any political subdivision for moving such buildings or structures on such county highways.

Subd. 3. **Surety bond.** The road authority, as a condition to granting the permit, may require a surety bond in such sum as it deems necessary conditioned for the payment of all damages caused by the moving of the structures or buildings over the roads or streets.

Subd. 4. **Cost of removing fences, poles.** No person, firm, or corporation shall be required to displace or temporarily remove his or its fences, poles, wires, cables, or other appurtenances to permit the moving of any building or structure upon, along, or across the road or street, nor shall guard rails and appurtenances placed upon the road or street be displaced or moved for like reason until the reason-

able cost of the displacement, removal, and replacement shall have been paid or tendered.

Subd. 5. **Not to apply to road building or maintenance equipment.** The provisions of this section shall not apply to road building or maintenance equipment while operating on a road or street under construction or maintenance.

[1959 c 500 art 1 s 26; 1961 c 748 s 1]

160.261 M.S. 1957 [Renumbered 218.025]

160.27 M.S. 1953 [Repealed, 1957 c 943 s 72]

160.27 PARTICULAR USES OF RIGHT OF WAY; MISDEMEANORS. Subdivision 1. **Public notices.** With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city, village, or borough streets.

Subd. 2. **Benches and shelters for persons waiting for street cars and buses.** Benches and shelters for the convenience and comfort of persons waiting for street cars or buses may be placed and maintained within the limits of any street or highway, including streets and highways within cities, villages, and boroughs, when a license or permit therefor is first obtained from the road authority. The owners may place advertising on the benches if authorized by the license or permit. The benches shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

Subd. 3. **Outdoor telephone booths.** Outdoor telephone booths may be placed and maintained within the limits of any public highway, including city, village, or borough streets, when authorized by a written permit issued by the proper road authority.

Subd. 4. **Customs inspection facilities.** United States customs inspection facilities may be placed and maintained within the limits of any public highway, including city, village, or borough streets, when a written permit is issued for such facilities by the proper road authority.

Subd. 5. **Misdemeanors.** Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) Obstruct any highway;
- (2) Plow or perform any other detrimental operation within the road right of way except in the preparation of the land for planting a perennial hay crop, and the harvesting of said crop;
- (3) Erect a fence on the right of way of a trunk highway, county state-aid highway or county highway, except to erect a lane fence to the ends of a livestock pass;
- (4) Dig any holes in any highway;
- (5) Remove any earth, gravel or rock from any highway;
- (6) Obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (7) Place or maintain any building or structure within the limits of any highway;
- (8) Place or maintain any advertisement within the limits of any highway;
- (9) Paint, print, place, or affix any advertisement or any object within the limits of any highway;
- (10) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guard-rails, drains, or any other highway appurtenance on or along any highway;
- (11) Remove, injure, displace, or destroy right of way markers, or reference or witness monuments, or markers placed to preserve section or quarter section corners;
- (12) Improperly place or fail to place warning signs and detour signs as provided by law;
- (13) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

Violations hereof shall be prosecuted by the county attorney of the county where the violations occur. Any person convicted of such violations shall be guilty of a misdemeanor.

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Subd. 6. **Removal of unauthorized advertisements, buildings, or structures in or on a public highway.** The road authorities may take down, remove, or destroy any advertisement, building or structure in or upon any highway in violation of this section.

[1959 c 500 art 1 s 27]

160.271	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.275	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.28	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.281	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.29	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.291	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.30	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.301	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.31	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.311	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.32	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.321	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.33	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.331	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.34	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.341	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.35	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.351	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.36	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.361	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.37	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.371	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.38	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.381	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.39	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.391	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.40	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.401	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.41	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.411	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.42	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.421	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.43, 160.431	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.432	M.S. 1945	[Repealed, 1949 c 672 s 7]
160.433	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.435	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.44	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.441	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.45	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.451	M.S. 1957	[Renumbered 161.115]
160.46	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.461	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.47	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.471	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.475	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.48	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.481	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.49	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.491	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.50	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.501	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.51	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.511	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.512	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.513	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.52	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.521	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.53	M.S. 1953	[Repealed, 1957 c 943 s 72]

160.531	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.54	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.541	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.55	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.551	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.56	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.561	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.57	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.571	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.58	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.581	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.59	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.591	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.60	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.601	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.61	M.S. 1953	[Renumbered 169.901]
160.611	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.62	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.621	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.63	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.631	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.64	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.641	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.65	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.651	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.66	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.661	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.67	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.671	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.68	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.681	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.69	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.691	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.692	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.70	M.S. 1953	[Repealed, 1957 c 943 s 72]
160.701	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]
160.702	M.S. 1957	[Repealed, 1959 c 500 art 6 s 13]