

MINNESOTA STATUTES 1973 SUPPLEMENT

HIGHWAY DEPARTMENT; TRUNK HIGHWAYS 161.1419

and in the promulgation of the model standards by the commissioner, the model standards shall include but not be limited to the following: (a) criteria for desirability of such a lane in any given location, (b) provision for maintenance of such lanes, and (c) the placement of such lanes in relation to roads. The model standards shall govern state trunk highways.

Subd. 2. Each county and municipality including towns having village powers may adopt the model standards to govern highways under its jurisdiction and may adapt them to local circumstances. Such local regulations shall be submitted to the commissioner of highways who shall approve them within 60 days after receipt if he finds that they meet the minimum standards established pursuant to this section. Approved local regulations shall qualify the submitting unit of government for state or state approved funding of recreational vehicle lane projects undertaken pursuant to such regulations.

Subd. 3. The following departments and agencies shall cooperate in providing the information and advice for the study by the state planning agency and the promulgation of model standards and amendments thereto by the commissioner of highways: the departments of agriculture, highways, economic development, natural resources, public service, the state planning agency, and the state soil and water conservation commission. The commissioner may cooperate with and enter into agreements with the United States government, any department of the state of Minnesota, any unit of local government and any public or private corporation in order to effect the purposes of this section.

[1973 c 620 s 1]

160.285 County participation

[For text of subd. 1, see M.S.1971]

Subd. 2. Any county participating shall erect such signs at its own expense as it deems necessary on those county state-aid highways, county highways and town roads designated in section 160.283, subdivision 2 provided that such signs shall be erected in a manner acceptable to the department of highways and shall not be erected closer than 500 feet from trunk highways forming a part of the interstate system as provided in section 173.16, subdivision 4, clause (4), or closer than 300 feet from other trunk highways as provided in section 173.16, subdivision 4, clause (4).

[1973 c 35 s 33]

[For text of subd. 3, see M.S.1971]

CHAPTER 161. DEPARTMENT OF HIGHWAYS AND TRUNK HIGHWAY SYSTEM

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(NOTE: 161.115 Additional trunk highways. Route No. 303 is discontinued and removed from the trunk highway system. See Laws 1973, Chapter 249, Section 1.)

161.1419 Mississippi river parkway commission

[For text of subd. 1, see M.S.1971]

Subd. 2. The commission shall be composed of ten members of which three shall be appointed by the governor, three shall be members of the senate to be appointed by the committee on committees, and three shall be members of the house of representatives to be appointed by the speaker. The tenth member shall be the secretary appointed pursuant to subdivi-

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sion 3. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of highways, the commissioner of natural resources, and the director of the Minnesota historical society shall be ex officio members, and shall be in addition to the ten members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi river parkway commission, hereinafter called the national commission, giving the names and addresses of the members so appointed.

[1973 c 35 s 34]

[*For text of subds. 3 to 7, see M.S.1971*]

161.20 General powers of the commissioner

[*For text of subd. 1, see M.S.1971*]

Subd. 2. Acquisition of property; buildings; relocation of corners; agreements with railroads; contracts. He is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as he deems necessary, all lands and properties necessary in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver license examinations; to maintain, repair, or remodel such buildings as may be necessary; to make agreements with any county for the relocation or re-establishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or re-establishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out his duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.

[1973 c 620 s 2]

[*For text of subd. 3, see M.S.1971*]

161.21 Studies

Subdivision 1. The commissioner may make or cause to be made such studies and investigations as he deems necessary for the purpose of determining the most advantageous location and design of trunk highways from the standpoint of both present and future traffic needs, and in making such determinations he may take into consideration the probable future development of both urban and rural areas and the effect of such development on future traffic needs as indicated by such studies and investigations and the location and design with respect to recreational vehicle lane establishment.

[1973 c 620 s 3]

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161.23 Excess acquisition

[For text of subds. 1 and 2, see M.S.1971]

Subd. 3. Leasing. The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as he deems proper, any excess real estate acquired under the provisions of this section, and any real estate acquired in fee for trunk highway purposes and not presently needed therefor. All rents received from the leases shall be paid into the state treasury. Seventy percent of the rents shall be credited to the trunk highway fund. The remaining thirty percent shall be paid to the county treasurer where the real estate is located, and shall be distributed in the same manner as real estate taxes.

[1973 c 544 s 1]

[For text of subd. 4, see M.S.1971]

161.242 Junk yard act

[For text of subd. 1, see M.S.1971]

Subd. 2. Definitions. (1) For the purposes of this section, the terms defined in this subdivision shall have the meanings given them.

(2) **Junk yard** means an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills, any of which are wholly or partly within one half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

(3) **Dealer** means any person, partnership, or corporation engaged in the operation of a junk yard.

(4) **Junk** means old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(5) **Automobile graveyard** means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(6) **Unzoned industrial area** means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and the land within 1,000 feet thereof which is located on the same side of the highway as the principal part of said activity, and not predominantly used for residential or commercial purposes, and not zoned by state or local law, regulation or ordinance.

(7) **Industrial activities** means those activities permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within in the state, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the state, except that none of the following shall be considered industrial activities:

(a) Outdoor advertising devices as defined in Minnesota Statutes 1969, Section 173.02, Subdivision 2.

(b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(c) Activities normally and regularly in operation less than three months of the year.

(d) Activities not visible from the traffic lanes of the main traveled way.

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- (e) Activities conducted in a building principally used as a residence.
- (f) Railroad tracks, minor sidings, and passenger depots.
- (g) Junk yards, as defined herein.

[1973 c 35 s 35]

[For text of subds. 3 to 9, see M.S.1971]

161.39 Aid to other road authorities and state departments

[For text of subds. 1 to 5, see M.S.1971]

Subd. 5a. The trunk highway fund shall be reimbursed for moneys expended by the highway department in performing services for the public service commission. The reimbursement shall not exceed \$25,500 each year from the general fund, and \$21,100 each year from the Minnesota highway safety account, section 219.401.

[1973 c 718 s 21]

[For text of subd. 6, see M.S.1971]

161.45 Public utilities and works on trunk highways; relocation of utilities

Subdivision 1. Electric transmission, telephone or telegraph lines, pole lines, community antenna television lines, railways, ditches, sewers, water, heat or gas mains, gas and other pipe lines, flumes, or other structures which, under the laws of this state or the ordinance of any village, borough or city, may be constructed, placed, or maintained across or along any trunk highway, or the roadway thereof, by any person, persons, corporation, or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth. Nothing herein shall restrict the actions of public authorities in extraordinary emergencies nor restrict the power and authority of the department of public service as provided for in other provisions of law. Provided, however, that in the event any local subdivision of government has enacted ordinances relating to the method of installation or requiring underground installation of such community antenna television lines, the permit granted by the commissioner of highways shall require compliance with such local ordinance.

[1973 c 568 s 19]

[For text of subds. 2 and 3, see M.S.1971]

161.46 Reimbursement of utilities

[For text of subds. 1 and 2, see M.S.1971]

Subd. 3. Lump sum settlements. The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed \$5,000.

[1973 c 42 s 1]

[For text of subds. 4 and 5, see M.S.1971]

CHAPTER 162. STATE-AID SYSTEM

Sec.
162.04 Limitation on payment of contract price.

162.04 Limitation on payment of contract price

Whenever the construction or improvement of any county state-aid highway is to be done by contract, the county board may agree in the contract to pay