

## CHAPTER 160

### ROADS, GENERAL PROVISIONS

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#### 160.02 DEFINITIONS.

*[For text of subds 1 to 6, see M.S.1984]*

Subd. 7. **Road or highway.** "Road" or "highway" includes, unless otherwise specified, the several kinds of highways as defined in this section, including roads designated as minimum-maintenance roads, and also cartways, together with all bridges or other structures thereon which form a part of the same.

*[For text of subds 8 to 13, see M.S.1984]*

Subd. 14. **Noxious weeds.** "Noxious weeds" has the meaning given in section 18.171, subdivision 5.

**History:** 1985 c 127 s 1; 1985 c 215 s 1

#### 160.095 DESIGNATION OF MINIMUM-MAINTENANCE ROADS.

Subdivision 1. **Resolution.** A road authority, other than the commissioner, may by resolution designate a road under its jurisdiction as a minimum-maintenance road if it determines that the road or road segment is used only occasionally or intermittently for passenger and commercial travel. The resolution must identify the beginning and end points of the road being designated. After adopting the resolution, the road authority must post signs on the road to notify the motoring public that it is a minimum-maintenance road and that the public travels on the road at its own risk. A road authority must notify the road authorities of adjoining jurisdictions of designations under this section.

If an affected road or road segment runs along a county or town line, the designation applies only to that part of the road that is under the jurisdiction of the road authority adopting the resolution.

Subd. 2. **Signs.** Designation of a minimum-maintenance road is effective on the erection of the signs required under this section. The signs shall be posted at entry points to and at regular intervals along a minimum-maintenance road. Signs posted must conform to the commissioner's manual of uniform traffic devices. Properly posted signs are prima facie evidence that adequate notice of a minimum-maintenance road has been given to the motoring public.

Subd. 3. **Limitations.** A trunk highway may not be designated as a minimum-maintenance road. A road may not be designated a minimum-maintenance road if federal-state aid to Minnesota will be reduced as a result. A road authority may not acquire additional right-of-way or easement by eminent domain or otherwise without the consent of the landowner, for the purpose of constructing or designating a minimum-maintenance road, except where necessary for drainage or public safety.

Subd. 4. **Liability.** A minimum-maintenance road may be maintained at a level less than the minimum maintenance standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve the occasional or intermittent traffic. Where a road has been designated by resolution as a minimum-maintenance road and signs have been posted under subdivision 2, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the minimum-maintenance road and related to its maintenance or condition. Nothing in this section shall exempt a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

**History:** 1985 c 215 s 3

### 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 in which the contract price exceeds the amount for which sealed bids are required as provided in section 471.345 shall be let unless the plans and specifications for the construction or improvement of the county or county state-aid highway are on file in the office of the county auditor and a true copy of them available for reference in the office of the county highway engineer, and the plans and specifications for the construction or improvement of the town road are on file with the town clerk.

*[For text of subds 2 to 4, see M.S.1984]*

**History:** 1985 c 169 s 1

### 160.22 TREES.

*[For text of subds 1 to 7, see M.S.1984]*

Subd. 7a. **Scope.** For purposes of subdivisions 5 to 8, "tree" means a tree or woody perennial shrub or vine which is at least six inches in diameter, as measured at a point two feet from the ground, and "hedge" means any planted and maintained hedge within the right-of-way.

*[For text of subds 8 to 10, see M.S.1984]*

**History:** 1985 c 20 s 1

### 160.232 MOWING DITCHES OUTSIDE CITIES.

Road authorities may not mow the right-of-way of a highway located outside of a home rule charter or statutory city except as allowed in this section and section 160.23.

(a) On any highway, the first eight feet away from the road surface, or shoulder if one exists, may be mowed at any time.

(b) An entire right-of-way may be mowed after July 31. From August 31 to the following July 31, the entire right-of-way may only be mowed if necessary for safety reasons, and may not be mowed to a height of less than 12 inches.

(c) A right-of-way may be mowed as necessary to maintain sight distance for safety and may be mowed at other times under rules of the commissioner, or by resolution of a local road authority.

**History:** 1985 c 127 s 2

**160.25 TUNNELS UNDER HIGHWAYS.**

*[For text of subds 1 and 2, see M.S.1984]*

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. A town board may charge the costs of maintenance of the tunnel to the users if the users and the town board agree on the amount to be charged.

*[For text of subd 4, see M.S.1984]*

**History:** 1985 c 169 s 2; 1Sp1985 c 16 art 2 s 9