

## CHAPTER 165

## BRIDGES

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NOTE: See also chapter 441.

### 165.01 MS 1957 [Renumbered 166.01]

#### 165.01 DEFINITIONS.

For the purposes of this chapter the terms defined in section 160.02 shall have the same meaning.

*History: 1959 c 500 art 6 s 1*

### 165.02 MS 1957 [Renumbered 166.02]

#### 165.02 POWERS OF ROAD AUTHORITIES.

The road authorities may construct, reconstruct, improve, and maintain bridges whenever they deem bridges to be necessary. Any new or reconstructed bridge may have a separate lane in at least one direction, and may have a lane in both directions, eight feet in width for recreational use. The same may be true for each underpass.

*History: 1959 c 500 art 6 s 2; 1973 c 620 s 4*

### 165.03 MS 1957 [Renumbered 166.03]

#### 165.03 STRENGTH OF BRIDGES.

Subdivision 1. All bridges hereafter constructed on any public highway or street, including streets within cities, shall be at least of sufficient strength to support with safety any vehicle with a weight of 20 tons on two axles with ten foot centers, with not to exceed three-fourths of the weight concentrated on one axle, when driven at a speed of not to exceed three miles an hour.

Subd. 2. **Inspection and inventory.** The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the highway authorities specified by this subdivision. Bridge inspections shall be made by the following officials:

(a) The commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway.

(b) The county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed.

(c) The city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

(d) The commissioner of transportation in case of a toll bridge used by the general public; provided, that the commissioner of transportation may assess the owner for the costs of such inspection.

The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The specified highway authorities shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(b) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation that inspections have been made. A report of the inspections shall be filed annually, on or before February 15 of each year, with the county auditor or township clerk, or the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(c) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation that inspections have been made. A report of the inspections shall be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. The owner of a toll bridge shall certify annually to the commissioner of transportation that inspections of the bridge have been made. The certification shall be accompanied by a report of the inspection. The report shall contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

**History:** 1959 c 500 art 6 s 3; 1969 c 304 s 1; 1973 c 41 s 1; 1973 c 123 art 5 s 7; 1976 c 166 s 7; 1985 c 248 s 70; 1986 c 444

#### **165.04 MS 1957 [Renumbered 166.04]**

#### **165.04 BRIDGES, CULVERTS; WIDTHS.**

Subdivision 1. **Major highways.** Except for railroad-highway grade separations and single lane one directional ramp bridges, and except as hereinafter provided, all bridges and culverts on any trunk highway, county state-aid highway, or municipal state-aid street hereafter established, constructed, or improved shall be at least 24 feet wide between curbs, and approaches thereto shall be at least 28 feet wide shoulder to shoulder. Nothing contained herein shall be construed to prevent the state, counties, or municipalities from performing ordinary repairs or maintenance on any such bridge or culvert less than 24 feet wide between curbs.

Subd. 2. **Extraordinary repair or improvements.** Upon finding it practical to do so, the commissioner may make extraordinary repairs or improvements on existing trunk highway bridges less than 24 feet wide between curbs without widening such bridges. Counties and municipalities may make extraordinary repairs or improvements on major existing bridges less than 24 feet wide between curbs, without widening such bridges, if the plans for such extraordinary repairs or improvements are first approved by the commissioner. A major bridge shall mean a bridge which, together with its approaches, is at least 75 feet in length.

Subd. 3. **Other roads.** Except for railroad-highway grade separations, all bridges, culverts, and approaches thereto on all other roads, except cartways, hereafter established, constructed, or improved shall be at least 20 feet wide, provided that in cases where salvaged material from a steel span bridge removed from a highway can be used in the erection of a steel span bridge on a county highway or town road, such bridge, so to be erected, may be less than 20 feet wide, but before such bridge is erected the plan shall first be approved by the commissioner.

**History:** 1959 c 500 art 6 s 4; 1961 c 218 s 1; 1963 c 293 s 1; 1986 c 444

**165.05** MS 1957 [Renumbered 166.05]

**165.05 RAILROAD BRIDGES OVER HIGHWAYS.**

Subdivision 1. **Width.** Any railroad bridge hereafter constructed or substantially reconstructed over a public highway including city streets, shall be constructed so as to leave a clear opening for the highway at least four feet wider than the surfaced portion of the highway, but in no event less than 28 feet wide; provided that the requirement that the clear opening for the highway be at least four feet wider than the surfaced portion of the highway may be modified by the commissioner in accordance with plans approved by the commissioner.

Subd. 2. **Clear space between highway and bottom of bridge.** Such bridge shall provide at least 16 feet clear space from the surface of the highway to the bottom of the bridge, except that such clear space under any bridge over roads other than those on the state trunk highway system or the interstate highway system shall be not less than 14 feet unless a lesser clear space is approved by the commissioner.

**History:** 1959 c 500 art 6 s 5; 1963 c 242 s 1; 1973 c 123 art 5 s 7; 1986 c 444

**165.06** MS 1957 [Renumbered 166.06]

**165.06 HIGHWAY BRIDGES AND APPROACHES OVER RAILROAD.**

Subdivision 1. **Width of bridge.** The clear roadway width between curbs on any bridge hereafter constructed on any public highway, including city streets, over the tracks of any railroad shall be at least four feet wider than the surface portion of the highway, but in no event less than 28 feet; provided that the requirement that the width of the bridge be at least four feet wider than the surface portion of the highway may be modified by the commissioner in accordance with the plans approved by the commissioner; further provided that in the case of bridges hereafter constructed on any town road over the tracks of any railroad the minimum width shall be 20 feet.

Subd. 2. **Approaches.** The approaches to the bridge shall be at least eight feet wider than the surfaced portion of the roadway, but not less than 32 feet wide, and the grade of the approach shall not exceed five feet rise in 100 feet, provided that the requirement that the grade of the approach may be modified by the commissioner in accordance with plans approved by the commissioner; provided that in the case of town roads the minimum width of the approaches to the bridge shall be 24 feet. It shall leave a clear space from the railroad rails of at least 22 feet measured vertically.

**History:** 1959 c 500 art 6 s 6; 1967 c 266 s 1; 1973 c 123 art 5 s 7; 1986 c 444

**165.07** MS 1957 [Renumbered 166.07]

**165.07 INTERSTATE BRIDGES.**

Subdivision 1. **Purpose.** The purpose of this section is to connect the highway system of this state with the highway system of adjoining states by means of interstate bridges.

Subd. 2. **Interstate bridges as part of highway system.** When any trunk highway, county state-aid highway, or municipal state-aid street leads to or connects with an interstate bridge, other than an interstate bridge owned privately or operated as a toll bridge, the bridge or so much thereof as lies within the boundaries of this state shall be part of the highway or street leading to it.

Subd. 3. **Acquisition of bridges owned by cities in adjoining state.** Any road authority, including the road authority of any city having jurisdiction over a highway or street connecting with an interstate bridge owned by an adjoining state or political subdivision thereof, may acquire the bridge or any portion thereof from the adjoining state or political subdivision thereof upon such terms and conditions as the road authority deems just and equitable.

Subd. 4. **Acquisition of toll or privately owned bridges.** Any road authority,

including the road authority of any city, having jurisdiction over any highway or street connecting with an interstate bridge that is owned privately or operated as a toll bridge, may acquire the bridge in cooperation with the authorized authorities of the adjoining state connected by the bridge, when the road authority determines that the acquisition is required in the interests of public travel. The bridge may be acquired by purchase, gift, or eminent domain proceedings as provided by law.

**Subd. 5. Cooperation with authorized authorities of adjoining state.** Road authorities, including road authorities of cities having jurisdiction over any highway or street connecting with an interstate bridge shall cooperate with the authorized authorities of the adjoining state connected by the bridge in the maintenance, improvement, or reconstruction of the bridge. If any highway or street runs to boundary waters of this state and an adjoining state where no interstate bridge exists, the road authorities, in cooperation with the authorized authorities of the adjoining state, may construct and thereafter maintain an interstate bridge connecting the highway or street with the highway system of the adjoining state when the road authority determines that the bridge is necessary in the interests of public travel. The location of the bridge shall be determined by the road authority in cooperation with the authorities of the adjoining state.

**Subd. 6. Joint acquisition.** Counties, towns and cities bordering on boundary waters of this state may jointly acquire, construct, reconstruct, improve, or maintain an interstate bridge in cooperation with the authorized authorities of the adjoining state; provided that county state-aid highway funds or municipal state-aid street funds shall not be expended on interstate bridges other than those connecting with a county state-aid highway or municipal state-aid street.

**Subd. 7. Agreements with authorities of adjoining states.** The road authorities, including the road authorities of cities, may enter into equitable agreements with the authorized authorities of adjoining states in all matters pertaining to interstate bridges.

**Subd. 8. Trunk highways to be located over bridges.** When any route of the trunk highway system runs into or through any city owning an interstate bridge connecting such city with the highway system of an adjoining state, the commissioner shall specifically locate the route so that it shall run to the state boundary over the bridge.

**History:** 1959 c 500 art 6 s 7; 1973 c 123 art 5 s 7

**165.08** MS 1957 [Renumbered 166.08]

## **165.08 BRIDGES OVER WATERS BETWEEN THIS STATE AND ADJOINING NATION OR PROVINCE.**

**Subdivision 1.** When a trunk highway leads to waters forming the boundary between this state and an adjoining nation or province thereof, and the Congress of the United States has authorized the construction of a bridge or bridges over the waters, the commissioner may enter into equitable agreements with the authorized authorities of the nation or province providing for the purchase, construction, reconstruction, maintenance, repair, and operation of the bridge or bridges, and for the division of costs and responsibilities to be borne by each therefor. The bridge or bridges shall thereafter be constructed, reconstructed, maintained, improved, and operated in accordance with the agreement. Such equitable agreement may create a joint and independent international authority or commission, which may independently purchase, construct, reconstruct, maintain, improve, repair and operate the bridge or bridges in accordance with the agreement.

**Subd. 2.** The agreement may provide that such bridges may be operated as free bridges or as toll bridges. If the latter, tolls may be collected for the use thereof at rates sufficient to liquidate the capital costs in a reasonable period of time, and after the liquidation of such capital costs, tolls may continue to be charged so as to defer any costs of reconstruction, maintenance, repair, improvement and operation which are thereafter incurred.

Subd. 3. When any trunk highway leads to a toll bridge over boundary waters between this state and an adjoining nation or province, and such bridge is owned by a municipality of this state, the commissioner may purchase such bridge and assume the obligations of any bonds issued for the construction of such bridge and still outstanding at the time of purchase. Such bridge may be purchased under agreement with the adjoining nation or province, or may be purchased in its entirety with trunk highway funds. Upon such purchase, the bridge may be operated as a free bridge or as a toll bridge. If such bridge is operated as a toll bridge, the commissioner may collect tolls for the use of the bridge in such amounts so as to, as nearly as practicable, enable the outstanding bonds to be retired at maturity from the income from such toll charges.

Subd. 4. All costs to be borne by this state of purchasing, constructing, reconstructing, maintaining, improving and operating such bridges, including interest and principal payments of any bond obligations assumed by the commissioner shall be paid out of the trunk highway fund. Minnesota's share of all tolls collected under agreement with an adjoining nation or province, and all tolls collected for any toll bridge purchased entirely by this state shall be paid into the trunk highway fund. Notwithstanding this section or any other provision of law to the contrary, a joint and independent international authority or commission created under subdivision 1 is authorized to establish, collect, retain and spend all tolls for the purchase, construction, reconstruction, maintenance, improvement, repair and operation of any bridge or bridges under its control, and such international authority or commission is not required to deposit such tolls into the trunk highway fund.

Subd. 5. Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of any joint and independent international authority or commission created under subdivision 1, all revenues or other income of any such authority or commission, and all bonds, certificates of indebtedness, or other obligations issued by any such authority or commission, and the interest thereon, shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

**History:** 1959 c 500 art 6 s 8; 1965 c 256 s 1; 1971 c 678 s 1-4

#### 165.09 MS 1957 [Renumbered 166.09]

### 165.09 JOINT ESTABLISHMENT OF BRIDGES OVER NAVIGABLE STREAMS; SECURING THE FREE PUBLIC USE OF TOLL BRIDGES.

Subdivision 1. **Joint acquisition, construction, and maintenance.** Counties, towns, and cities interested, jointly or separately, may lease, acquire, construct, reconstruct, improve, and maintain bridges over any navigable stream and may construct, reconstruct, and maintain suitable approaches thereto. Such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge.

Subd. 2. **What constitutes interest in bridges.** A county, town, or city shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries.

Subd. 3. **Bridges over Minnesota or Mississippi Rivers.** Before any bridge is erected over the Minnesota or Mississippi Rivers, the location and plan thereof shall be approved by the commissioner. Bridges over the Minnesota River below the city of Chaska shall be built with a suitable draw of not less than 80 feet opening or, in lieu of such opening, built at such clear height above the ordinary high-water stage as will be sufficient to accommodate the ordinary navigation of the river.

Subd. 4. **Draws to be opened on reasonable signal.** All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Subd. 5. **Approval of the Secretary of Army.** All bridges over navigable waters of the United States shall receive the approval of the Secretary of Army before construction.

Subd. 6. **Securing free public use of toll bridges.** Counties, towns, and cities interested may secure the free public use of any toll bridge built across any stream in this state. They may secure the free public use of any bridge by purchase, gift, or eminent domain proceedings as provided by law.

**History:** 1959 c 500 art 6 s 9; 1973 c 123 art 5 s 7

#### **165.10 MS 1957 [Renumbered 166.10]**

#### **165.10 BONDS.**

Subdivision 1. **Certain counties may issue and sell.** The county board of any county having no outstanding road and bridge bonds may issue and sell county road bonds in an amount not exceeding one-half of one percent of the assessed valuation of the taxable property within the county exclusive of money and credits, for the purpose of constructing, reconstructing, improving, or maintaining any bridge or bridges on any highway under its jurisdiction, without submitting the matter to a vote of the electors of the county.

Subd. 2. **Bonds to be issued and sold as provided in chapter 475.** Such bonds shall be issued, sold and retired in the manner provided in chapter 475.

**History:** 1959 c 500 art 6 s 10

#### **165.11 TOWN BRIDGES DESTROYED BY UNUSUAL FLOOD OR CALAMITY; AGREEMENTS FOR RECONSTRUCTION.**

When a bridge on a town road over a natural water course has been destroyed by unusual flood or calamity and the county in which such bridge is situated contributed to the original cost of construction thereof, and the town resolves to reconstruct the bridge, the county board and the town board by agreement shall determine the costs and responsibilities to be borne by each in the reconstruction of the bridge. The costs agreed upon to be paid by the town and the county shall be paid out of their respective road and bridge funds.

**History:** 1959 c 500 art 6 s 11

#### **165.12 MAINTENANCE OF BRIDGES ON TOWN ROADS.**

Subdivision 1. **Duty of county when town fails.** When it becomes necessary to reconstruct or repair a bridge on any town road in any town or upon any town line in this state, and the bridge is unsafe for travel or has been condemned by the proper authorities, and the town or towns charged with the duty of maintaining the bridge fail, neglect, or omit to construct, reconstruct, or repair the same or provide for the expense or cost of so constructing, reconstructing or repairing the same, the county board of the county in which the town or towns are located shall have the power and authority to reconstruct and repair the bridge upon giving notice to the town board of the town or towns of its intention to do so and fixing a time and place for a hearing as to the necessity and advisability of the reconstruction or repair.

Subd. 2. **Itemized statement.** When any county shall have reconstructed or repaired any such bridge, the county board shall prepare an itemized statement of the cost thereof. The original shall be filed with the county auditor. Certified copies shall be filed with the clerk of the town or towns charged with the responsibility of maintaining the bridge. If two or more towns were responsible for the bridge the statement shall also show the portion of the cost apportioned to each town. The proportion of the cost to be apportioned to each town shall be determined at the hearing provided in subdivision 1.

Subd. 3. **Special tax.** The town clerk, upon receipt of the statement, shall forthwith notify the several members of the town board that a statement has been filed, and that a meeting of the town board to act thereon will be held at a time and place specified in the notice. The meeting shall be held not later than ten days after the filing of the statement. The town board shall meet at the time and place specified in the notice

so given by the clerk, and shall levy a special tax upon all the taxable property of the town in an amount sufficient to pay one-half of the amount expended by the county. If two or more towns were responsible for the bridge, each town shall levy a tax in an amount sufficient to pay one-half of the cost apportioned to it.

Subd. 4. **County auditor may levy if town board fails to levy.** The tax so levied shall be certified to the county auditor on or before October 15 next succeeding, and the county auditor shall extend the same with other town taxes upon the tax list of the town. If the town board, for any reason, fails to act as herein provided, the county auditor shall levy the tax provided herein and shall extend the same with other town taxes upon the tax list of the town.

Subd. 5. **Collection and payment.** The tax shall be collected and the payment enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected the tax shall be paid into the county treasury and credited to the county road and bridge fund.

**History:** 1959 c 500 art 6 s 12

### **165.13 CLOSED COMBINATION RAILROAD AND HIGHWAY BRIDGE; LEASE OR SALE BY COUNTY.**

In any county in which a combination railroad and highway bridge is closed the county board may lease or purchase such bridge. The subsequent use and operation of the combination bridge shall conform to and be compatible with the existing uses adjoining both sides of that bridge. The county board may establish and from time to time adjust tolls to be charged for vehicular use of the bridge at the rate or rates and on the basis the county board may deem appropriate to provide revenues sufficient to finance the lease, purchase, operation, repair, and maintenance of the bridge and toll facilities. The revenues from the bridge tolls shall only be used for the lease, purchase, repair, operation, and maintenance of the bridge and toll facilities. Notwithstanding the provisions of this section, if the state purchases the combination bridge the county may lease the bridge from the state by contract.

**History:** 1980 c 558 s 6