

160.27 MS 1953 [Repealed, 1957 c 943 s 72]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 streets.

Subd. 2. **Benches and shelters.** (a) Benches and shelters for the convenience and comfort of persons waiting for streetcars or buses may be placed and maintained within the limits of any street or highway, including streets and highways within cities, when a license, permit, or franchise therefor is first obtained from the road authority. The owners may place advertising on the benches and shelters if authorized by the license, permit, or franchise, provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter. The benches shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

(b) The council of any city may, by public negotiation or bid, grant franchises for the construction, operation, or maintenance of bus shelters and benches on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not preclude the requirement for obtaining permits from the appropriate road authority having jurisdiction for construction within the limits of any trunk highway, county highway, or county state-aid highway.

(c) On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the construction, operation, or maintenance of bus shelters and benches on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority.

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

(b) The governing body of a city or town may grant permission by license, permit, contract, or franchise to the owner of an outdoor telephone booth located within the right-of-way of a public highway or street to place advertising on the booth. This permission is subject to terms and conditions prescribed by the city or town. This paragraph does not preclude requirements for obtaining permits from the appropriate road authority having jurisdiction over a trunk highway, county highway, or state-aid highway.

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

Subd. 5. [Renumbered 160.2715]

Subd. 6. **Removal of unauthorized advertisement, building, or structure.** The road authorities may take down, remove, or destroy any advertisement, building, or structure in or upon any highway in violation of this section and section 160.2715.

Subd. 7. **Bicycle racks and bicycle storage facilities.** In cities of the first class, advertisements, public art, and informational signs may be placed and maintained on bicycle racks and bicycle storage facilities, and on any enclosure around them, if (1) a road authority has issued a permit to the city authorizing the bicycle racks and storage facilities to be placed within

the right-of-way of a public highway, (2) the city has recommended and the road authority has authorized in the permit the placement of advertisements, public art, and informational signs on the bicycle racks and bicycle storage facilities, and (3) the placement does not create an unsafe situation. Advertisements, public art, and information signs authorized under this subdivision are subject to the terms and conditions imposed by the road authority authorizing their placement.

Subd. 8. Trunk highway closure; authority, notice. (a) The commissioner may restrict the use of, or close, any state trunk highway for the protection and safety of the public or for the protection of the highway from damage during and after storms if there is danger of the road becoming impassable or if visibility is so limited that safe travel is unlikely.

(b) To notify the public that a trunk highway is closed or its use restricted, the commissioner shall give notice by one or more of the following methods:

- (1) erect suitable barriers or obstructions on the highway;
- (2) post warnings or notices of the closing or restricting of a trunk highway;
- (3) place signs to warn, detour, direct, or otherwise control traffic on the highway; or
- (4) place personnel to warn, detour, direct, or otherwise control traffic on the highway.

Subd. 9. Trunk highway closure; liability for rescue costs. (a) A person is civilly liable for rescue costs if the person (1) fails to obey the direction or instruction of authorized personnel at the location of the closed highway, or (2) drives over, through, or around a barricade, fence, or obstruction erected to prevent traffic from passing over a portion of a highway closed to public travel. "Civilly liable for rescue costs" means that the person is liable to a state agency or political subdivision for costs incurred for the purpose of rescuing the person, any passengers, or the vehicle. Civil liability may be imposed under this subdivision in addition to the misdemeanor penalty imposed under section 160.2715. However, civil liability must not exceed \$10,000. A fine paid by a defendant in a misdemeanor action that arose from the same violation may not be applied toward payment of the civil liability imposed under this subdivision.

(b) A state agency or political subdivision that incurs costs as described in paragraph (a) may bring an action to recover the civil liability and related legal, administrative, and court costs. A civil action may be commenced as is any civil action.

History: 1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1977 c 334 s 1; 1979 c 275 s 1; 1980 c 435 s 1; 1980 c 533 s 2; 1986 c 387 s 1; 1986 c 398 art 27 s 2; 1986 c 435 s 1; 1989 c 179 s 2; 1995 c 23 s 1; 1998 c 283 s 1,2; 1998 c 403 s 5,6; 2004 c 295 art 2 s 15