CHAPTER 160

ROADS, GENERAL PROVISIONS

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160.001 MS 2006 [Renumbered 15.001]

160.01 MS 1953 [Repealed, 1957 c 943 s 72]

160.01 SCOPE OF CHAPTERS 160 TO 165.

Subdivision 1. **Designation.** For the purposes of chapters 160 to 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 to 165 and acts amendatory thereto.

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

History: *1959 c 500 art 1 s 1; 1973 c 123 art 5 s 7*

160.011 MS 1953 [Repealed, 1957 c 943 s 72]

160.012 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.013 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

ROADS

160.02 MS 1953 [Repealed, 1957 c 943 s 72]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. 1a. **Bikeway.** "Bikeway" has the meaning given in section 169.011, subdivision 9.

Subd. 2. [Renumbered subd 29]

Subd. 3. [Renumbered subd 18]

Subd. 4. [Renumbered subd 17]

Subd. 5. [Renumbered subd 21]

Subd. 6. [Renumbered subd 28]

Subd. 7. [Renumbered subd 26]

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

Subd. 9. [Renumbered subd 25]

Subd. 10. [Renumbered subd 23]

Subd. 11. [Renumbered subd 20]

Subd. 12. **Controlled-access highway.** "Controlled-access highway" means any highway, street, or road, including streets within cities, 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. [Renumbered subd 24]

Subd. 14. [Renumbered subd 22]

Subd. 15. [Renumbered subd 27]

Subd. 16. [Renumbered subd 19]

Subd. 17. **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. 18. **County state-aid highways.** "County state-aid highways" includes all roads established in accordance with law as county state-aid highways.

Subd. 18a. **Dynamic shoulder lane.** "Dynamic shoulder lane" means the shoulder of a freeway on which the commissioner may allow the operation of vehicles during certain periods.

Subd. 18b. **Expressway.** "Expressway" means a divided highway with partial control of access.

Subd. 19. **Freeway.** "Freeway" means a divided highway with full control of access.

Subd. 20. **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. 21. **Municipal state-aid streets.** "Municipal state-aid streets" includes all streets within the cities having a population of 5,000 or more, established in accordance with law as municipal state-aid streets.

Subd. 21a. [Renumbered 169.011, subd 46a]

Subd. 22. **Noxious weeds.** "Noxious weeds" has the meaning given in section 18.77, subdivision 8.

Subd. 23. **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. 24. **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, cities, municipalities, counties, and any board or commission of any thereof, and public corporations created by the laws of this state.

Subd. 25. **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 when the governing bodies or city streets are specifically mentioned.

Subd. 26. **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.

Subd. 27. **Roadway; bicycle lane; bicycle route; bicycle path.** The terms "roadway," "bicycle lane," "bicycle route," and "bicycle path" have the meanings given in section 169.011.

Subd. 27a. MS 2020 [Renumbered 169.011, subd 73a]

Subd. 28. **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.

Subd. 29. **Trunk highways.** "Trunk highways" includes all roads established or to be established under the provisions of article 14, section 2 of the Constitution of the state of Minnesota.

History: *1959 c 500 art 1 s 2; 1973 c 123 art 5 s 7; 1976 c 2 s 172; 1976 c 166 s 7; 1984 c 562 s 4; 1985 c 127 s 1; 1985 c 215 s 1; 1987 c 255 s 2; 1993 c 13 art 2 s 1; 1995 c 265 art 2 s 15; 2008 c 287 art 1 s 4,5; 2008 c 306 s 1; 2014 c 281 s 5; 2016 c 142 s 3; 1Sp2017 c 3 art 3 s 4-6; 1Sp2021 c 5 art 4 s 8,148*

160.021 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.03 MS 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.

History: *1959 c 500 art 1 s 3*

160.031 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.04 MS 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.

History: *1959 c 500 art 1 s 4*

160.041 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.05 MS 1953 [Repealed, 1957 c 943 s 72]

160.05 DEDICATION OF ROADS.

Subdivision 1. **Six years.** (a) When any road or portion of a road has been used and kept in repair and worked for at least six years continuously as a public highway by a road authority, it shall be deemed dedicated to the public to the width of the actual use and be and remain, until lawfully vacated, a public highway whether it has ever been established as a public highway or not. Nothing contained in this subdivision 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. If a road authority fails to give the notice required by paragraph (b), this subdivision does not apply.

(b) Before a road authority may make any repairs or conduct any work on a private road as defined by section 169.011, subdivision 57, the road authority must notify the owner of the road of the intent to make repairs or conduct work on the private road. The notice must be sent to the owner by certified mail. The notice must specify the segment of road that is the subject of the notice and state the duration of the repairs or work. The notice must include the following: "Pursuant to Minnesota Statutes, section 160.05, your private road may be deemed to be dedicated to the public if the following conditions are met for six continuous years: (1) the road is used by the public; and (2) the road is repaired or worked on by a road authority. This means that the road will no longer be a private road but will be a public road. You will not receive compensation from the road authority when the road is dedicated to the public."

Subd. 2. MS 2022 [Repealed, 2023 c 68 art 5 s 55]

History: *1959 c 500 art 1 s 5; 1973 c 123 art 5 s 7; 1982 c 424 s 40; 1984 c 562 s 5; 2020 c 100 s 1*

160.051 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.06 MS 1953 [Repealed, 1957 c 943 s 72]

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 that 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, is deemed to have been dedicated to the public as a trail or portage. This section applies only to forest trails on established canoe routes and the public has the right to use the same for travel to the same extent as public highways. The width of all trails and portages dedicated by user is eight feet on each side of the centerline of the trail or portage.

History: *1959 c 500 art 1 s 6; 2010 c 361 art 4 s 82; 2017 c 93 art 2 s 141*

160.061 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.07 MS 1953 [Repealed, 1957 c 943 s 72]

160.07 IMPROVEMENTS WITHIN OR WITHOUT BOUNDARIES.

The road authority of any county, town or city 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 or city.

History: *1959 c 500 art 1 s 7; 1973 c 123 art 5 s 7*

160.071 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.08 MS 1953 [Repealed, 1957 c 943 s 72]

160.08 CONTROLLED ACCESS.

Subdivision 1. **Plans.** The road authorities of the state, counties or cities 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. MS 1967 [Repealed, 1969 c 312 s 8]

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 curbings, 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; 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; exceptions.** 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; except that (1) structures may be built within safety rest and travel information center areas; (2) space within state-owned buildings in those areas may be leased for the purpose of providing information to travelers through advertising as provided in section 160.276; (3) advertising signs may be erected within the right-of-way of interstate or controlled-access trunk highways by franchise agreements under section 160.80; (4) vending machines may be placed in rest areas, travel information centers, or weigh stations constructed or located within trunk highway rights-of-way; and (5) acknowledgment signs may be erected under sections 160.272 and 160.2735.

History: *1959 c 500 art 1 s 8; 1973 c 123 art 5 s 7; 1980 c 494 s 5; 1984 c 417 s 1; 2004 c 295 art 2 s 1*

160.081 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.085 RECORDING PROPOSED ACQUISITION FOR ROAD.

Subdivision 1. **Recording map or plat; certification.** (a) In order to facilitate the acquisition of right-of-way required for highways, state and county road authorities may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, such orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition.

(b) The map or plat, as to trunk highways, shall be certified by the commissioner of transportation or the commissioner's designated assistant and by a licensed land surveyor.

(c) The map or plat shall be certified as to county state-aid highways and county highways by the chair of the county board or the county engineer or the engineer's designated assistant, and by a licensed land surveyor in the employ of the county.

(d) The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Neither a witness nor an acknowledgment is required for a map or plat certified under this subdivision. Any amendments, alterations, corrections, rescissions or vacations of such orders, resolutions, maps or plats so filed shall be entitled to record in like manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, correction, rescission or vacation to direct the attention of anyone examining the record to the proper map or plat.

Subd. 1a. **Amending recorded map or plat.** If an error on a map or plat incorrectly defines the intended acquisition, but does not affect any rights of interest to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate shall be signed by a licensed land surveyor. The certificate shall be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When so filed the certificate shall amend the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

Subd. 2. **Effect of recording map or plat.** Maps or plats filed for record under this section shall not operate of themselves to transfer of title to the property described and designated by appropriate parcel number but such map or plats shall be for delineation purposes.

Subd. 3. **Description may refer to map or plat.** (a) Land acquisition by the road authority for highway purposes by instrument of conveyance or by eminent domain proceedings, may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.

(b) In addition, land disposition by the road authority by instrument of conveyance may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the disposition.

History: *1969 c 209 s 1; 1976 c 166 s 7; 1976 c 181 s 2; 1980 c 538 s 1,2; 1986 c 444; 1994 c 635 art 2 s 2; 1998 c 324 s 9; 1999 c 230 s 3,4*

160.09 MS 1953 [Repealed, 1957 c 943 s 72]

160.09 CHANGE OR VACATION OF LOCAL ROAD.

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 the law.

Subd. 2. **Old roads 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. **Local road not 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.

History: *1959 c 500 art 1 s 9*

160.091 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

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 on Uniform Traffic Control 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*

160.10 MS 1953 [Repealed, 1957 c 943 s 72]

160.10 ROADS ON MINERAL LANDS.

Subdivision 1. **Change of location; standards for relocated road.** When any road, including any street within a city 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. **Relocation interferes with buildings, structures.** When any road crosses any lands including mineral lands outside the limits of any city 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 the owner's or lessee's own forces or by contract, or 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 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 to vacate a road by or under any other provision of law. Nothing herein shall affect contractual rights or obligations in existence as of July 1, 1959, between the road authority and the owner or lessee of mining lands.

History: *1959 c 500 art 1 s 10; 1973 c 123 art 5 s 7; 1986 c 444; 2023 c 25 s 56*

160.101 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.11 MS 1953 [Repealed, 1957 c 943 s 72]

160.11 MATERIALS FOR BUILDING ROADS.

Subdivision 1. **Acquisition of lands.** When the commissioner of transportation, any county board, town board, or governing body of any city, each hereinafter referred to as road authority, shall deem it necessary for the purpose of building or repairing public roads or streets within its jurisdiction, it may procure by lease, purchase, gift, or condemnation in the manner provided by law any lands within the state containing any materials suitable for road or street purposes, together with the right-of-way to the same of sufficient width to allow trucks or other vehicles to pass, and on the most practicable route to the nearest public road or street.

Subd. 2. **Sale by road authorities, authority.** Any such road authority may engage in the processing of crushed rock or other road- or street-building material for use on public roads or streets within its jurisdiction; and any such road authority may by agreement sell to any other road authority any rock, crushed rock, processed sand or gravel, unprocessed or pit-run sand or gravel, or other earth material suitable for road or street purposes, upon terms and conditions as may be mutually agreed upon by the parties, except that the commissioner of transportation shall not sell processed gravel, processed sand, or crushed rock.

Subd. 3. MS 1969 [Repealed, 1971 c 290 s 3]

History: *1959 c 500 art 1 s 11; 1965 c 836 s 1; 1971 c 290 s 1,2; 1973 c 123 art 5 s 7; 1976 c 166 s 7*

160.111 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.12 MS 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.

History: *1959 c 500 art 1 s 12*

160.121 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.13 MS 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.

History: *1959 c 500 art 1 s 13*

160.131 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.14 MS 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 commissioner is authorized to engage the services of registered land surveyors to perform land survey work as required for location or reestablishment of section corners, establishment of the boundary of highway right-of-way together with boundary monumentation. If the commissioner employs and engages a registered land surveyor for such work the land surveyor shall be in responsible charge of the work performed by the surveyor's employees in connection with the assignment. The location of the boundary markings may be described by course distance and bearing or delineated in the same manner on a plat or map showing location of said marking devices and filed with the county recorder or registrar of titles 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 the owner believes the boundaries as marked to be in error. A copy thereof executed in accordance with section 507.24 shall be filed with the county recorder 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 court administrator 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 county recorder.

History: *1959 c 500 art 1 s 14; 1969 c 208 s 1; 1976 c 181 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

160.141 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.15 MS 1953 [Repealed, 1957 c 943 s 72]

160.15 PRESERVING SECTION OR QUARTER-SECTION CORNERS.

Subdivision 1. **Perpetuation of corners.** Whenever the construction, reconstruction, or maintenance of a public street or highway causes the destruction or obliteration of a public land survey corner marker or monument, the road authority having jurisdiction over the highway or street shall provide for the perpetuation of the corners and placement of corner monuments, corner markers, reference monuments, or witness monuments by a land surveyor licensed under chapter 326. A certificate of location of government corner shall be prepared in accordance with section 381.12.

Subd. 2. MS 2014 [Repealed, 2015 c 7 s 15]

Subd. 3. **Time of placement; tie objects of durable material.** Reference ties evidencing the location of the public land survey corner shall be established by a land surveyor licensed under chapter 326 before the obliteration of the corner in at least three places if practicable and shall consist of objects of durable material. If it is not practicable to establish three reference ties, two must be established.

Subd. 4. MS 2014 [Repealed, 2015 c 7 s 15]

Subd. 5. MS 2014 [Repealed, 2015 c 7 s 15]

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

History: *1959 c 500 art 1 s 15; 1971 c 598 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 2004 c 154 s 1; 2005 c 99 s 1; 2015 c 7 s 1,2*

160.151 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.16 MS 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 to 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, lead supervisor, 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.

History: *1959 c 500 art 1 s 16; 1986 c 444*

160.161 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.165 MITIGATING TRANSPORTATION PROJECT IMPACTS ON BUSINESS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "project" means construction work to maintain, construct, reconstruct, or improve a street or highway or for a rail transit project;

(2) "substantial business impacts" means impairment of road access, parking, or visibility for one or more business establishments as a result of a project, for a minimum period of one month; and

(3) "transportation 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; statutory or home rule charter cities, as to city streets; the Metropolitan Council, for rail transit projects located entirely within the metropolitan area as defined in section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

Subd. 2. **Business liaison.** (a) Before beginning construction work on a project, a transportation authority shall identify whether the project is anticipated to include substantial business impacts. For such projects, the transportation authority shall designate an individual to serve as business liaison between the transportation authority and affected businesses.

(b) The business liaison shall consult with affected businesses before and during construction to investigate means of mitigating project impacts to businesses. The mitigation considered must include signage. The business liaison shall provide information to the identified businesses before and during construction, concerning project duration and timetables, lane and road closures, detours, access impacts, customer parking impacts, visibility, noise, dust, vibration, and public participation opportunities.

Subd. 3. MS 2022 [Repealed, 2023 c 25 s 190]

History: *2009 c 36 art 3 s 2; 2010 c 351 s 2*

160.17 MS 1953 [Repealed, 1957 c 943 s 72]

160.17 ROAD CONSTRUCTION CONTRACTS; COUNTIES AND TOWNS.

Subdivision 1. **Plans and specifications filed.** 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.

Subd. 2. **Advertisement for bids.** No county or town road contract for construction or improvement exceeding the amount for which sealed bids are required as provided in section 471.345 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 in the case of a county contract and two successive weeks in the case of a town contract, 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 specifications are on file, and the time and place of receiving bids and awarding the contract.

Subd. 2a. **Best-value alternative.** As an alternative to the procurement method referenced in subdivision 2, counties or towns may issue a request for proposal and award the contract to the vendor or contractor offering the best value as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 3. **Final payment.** A county or town board shall not make final payment on any road construction or improvement contract, the amount for which sealed bids are required under section 471.345, 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 has been filed in the office of the county auditor or town clerk.

Subd. 4. MS 2002 [Repealed, 2004 c 209 s 2]

History: *1959 c 500 art 1 s 17; 1969 c 613 s 1,2; 1984 c 562 s 6,7; 1985 c 169 s 1; 1987 c 227 s 1; 2004 c 209 s 1; 2007 c 148 art 3 s 14*

160.171 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.18 MS 1953 [Repealed, 1957 c 943 s 72]

160.18 ACCESS TO ROADS; APPROACHES.

Subdivision 1. **Culvert on existing highway.** Except when the easement of access has been acquired, a road authority, as to a highway already established and constructed may grant by permit a suitable approach to the highway. The requesting abutting property owner shall pay for the cost and installation of any required culverts unless a road authority, other than the commissioner, adopts by resolution a policy for the furnishing of a culvert to an abutting owner when a culvert is necessary for suitable approach to a road. The policy may include provisions for the payment of all or part of the costs of furnishing the culvert by the abutting landowner.

Subd. 2. **Approaches to new highway.** 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. **Access for 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.

Subd. 4. **Trunk highway appeal process.** (a) Notwithstanding chapter 14 and section 14.386, the commissioner must establish a concise, expedited process that allows an owner or occupant of a property abutting a trunk highway to appeal a denial or revocation of an access permit. The owner or occupant must initiate an appeal no later than 30 days after the date the commissioner issues written notice of the denial or revocation of an access permit. The process must provide the owner or occupant and Department of Transportation staff the opportunity to present information supporting each party's respective position. The hearing must be conducted by an administrative law judge assigned by the chief administrative law judge. The administrative law judge must maintain a transcript of the hearing and keep a record of all documents and data submitted at the hearing. Within 30 days of the hearing's conclusion, the administrative law judge must transmit to the commissioner the record of the proceedings, along with a report and recommendation based on the record made in the informal hearing. The commissioner must make a written decision regarding the access permit.

(b) Section 15.99 does not apply to appeals under this subdivision.

History: *1959 c 500 art 1 s 18; 1975 c 24 s 1; 1998 c 403 s 4; 1Sp2017 c 3 art 3 s 7*

160.181 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

DRAINAGE

160.19 MS 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.

History: *1959 c 500 art 1 s 19; 1961 c 87 s 1*

160.191 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.20 MS 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 a drain or ditch with any drain or ditch constructed along or across the highway, but before making the connections, 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 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.

Subd. 3. **Installing drain tile along or across highway.** When the course of natural drainage of any land runs to a highway, the owner of the land who has been granted a permit as provided in subdivision 4 may install drain tile along or across the highway right-of-way along the general course of the natural drainageway, provided further that there will be no diversion of drainage waters away from the natural receiving drainageway immediately downstream from the highway. Any installation shall be made in accordance with specifications set forth in the permit and any rules that apply to the installations. When any installation is made pursuant to this subdivision the highway shall be left in as good condition in every respect as it was before the installation was made.

Subd. 4. **Conditions.** (a) A road authority may accept applications for permits for installation of drain tile along or across the right-of-way under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting a permit. Permits for installation along a highway right-of-way must ensure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. A permit must not allow open trenches to be left on the right-of-way after installation of the drain tile is completed. A road authority that grants a permit for tile drain installation is not responsible for damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(b) A person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this section is guilty of a misdemeanor.

(c) The commissioner shall take no action under this section which will result in the loss of federal aid for highway construction in the state.

(d) For the purpose of subdivisions 2 to 4, "highway" means any highway as defined in section 160.02 which is located outside the corporate limits of a home rule charter or statutory city.

History: *1959 c 500 art 1 s 20; 1979 c 294 s 1; 1984 c 417 s 2,3; 1986 c 444; 2015 c 75 art 2 s 5*

160.201 MS 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 to municipality.** 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.

History: *1945 c 36*

MAINTENANCE

160.21 MS 1953 [Repealed, 1957 c 943 s 72]

160.21 SNOW REMOVAL.

Subdivision 1. **Agreements.** Road authorities, including road authorities of cities, 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 sanitariums, 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 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.

Subd. 6. **Uncompleted subdivisions.** (a) A road authority, including a statutory or home rule charter city, may remove snow from unopened or private roads in uncompleted subdivisions containing five or more lots, upon adoption of an annual resolution finding that the subdivision developer, due to general insolvency or pending foreclosure, is unable to maintain the roads and that public safety may be jeopardized if the access of school buses, public works vehicles, or authorized emergency vehicles, as defined in section 169.011, subdivision 3, is obstructed. Snow removal activities are limited to streets reasonably necessary for access by these buses or vehicles.

(b) Snow removal under this subdivision does not constitute:

(1) acceptance of the road from the developer by the road authority for public use;

(2) the opening of the road to public use; nor

(3) a use, repair, or maintenance of the road sufficient for the purposes of dedication of roads under section 160.05.

(c) The road authority may impose a reasonable and proportionate charge on all properties within the subdivision for services provided under this subdivision. These charges, if unpaid, may constitute a lien

upon the properties within the subdivision and may be collected as a special assessment as provided by section 429.101 or by charter.

(d) Where a road has been maintained pursuant to this subdivision, 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 plowing, maintaining, or otherwise working on the road and from traveling on the road and related to its maintenance or condition. This paragraph does not apply to a claim for injury that is affirmatively caused by a negligent act of the road authority or its officers and employees.

History: *1959 c 500 art 1 s 21; 1973 c 123 art 5 s 7; 2010 c 279 s 1; 2010 c 385 s 3; 2013 c 127 s 1; 2014 c 297 s 1*

160.211 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.215 SNOW REMOVAL; SALT AND CHEMICALS RESTRICTED.

In order to:

(1) minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation;

(2) reduce the pollution of waters; and

(3) reduce the driving hazards resulting from chemicals on windshields;

road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high-speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time.

History: *1971 c 622 s 1; 1973 c 123 art 5 s 7*

160.22 MS 1953 [Repealed, 1957 c 943 s 72]

160.22 TREES.

Subdivision 1. **Planting 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. **Acquiring 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 when not acquired by road authority.** 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 court administrator 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. 7a. **Scope; tree and hedge defined.** For purposes of this section, "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.

Subd. 8. **Disposition of timber and wood.** Upon written notice of a determination to cut and remove the trees and hedges, the road authority may proceed to cut and remove the same. The timber and wood so cut and removed 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 the owner 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 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.

Subd. 10. **Exception; town roads.** Trees, hedges and other shrubs or plants within the limits of any town road and not acquired by the town as provided in subdivision 3, may be cut and removed without regard to the provisions of subdivisions 5 and 6 when they interfere with the maintenance or reconstruction of the road or with the safety and convenience of the public; provided that the town gives written notice to the abutting owner of its intention to cut and remove 14 days before taking such action and the abutting owner does not request a hearing during that period. The notice shall plainly advise the abutting owner of the right to a hearing. If the abutting owner requests a hearing within the time required the town shall proceed in accordance with subdivisions 5 and 6, and this subdivision shall not apply. The timber and wood cut pursuant to this subdivision shall be disposed of in accordance with subdivision 8.

Subd. 11. **Platted town roads.** The town road authority may cut and remove trees and hedges within the limits of a town road that is dedicated by plat. The cutting and removing is not subject to this section.

The timber or wood that is cut belongs to the town road authority and may be disposed of as the town road authority considers proper without any notice that is otherwise required by this section.

History: *1959 c 500 art 1 s 22; 1977 c 216 s 1,2; 1985 c 20 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1994 c 390 s 1,2*

160.221 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.23 MS 1953 [Repealed, 1957 c 943 s 72]

160.23 DESTRUCTION OF NOXIOUS WEEDS.

Road authorities, including road authorities of cities 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.

History: *1959 c 500 art 1 s 23; 1973 c 123 art 5 s 7*

160.231 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.232 MOWING DITCHES OUTSIDE CITIES.

(a) To provide enhanced roadside habitat for nesting birds and other small wildlife, road authorities may not mow or till 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.

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

(c) 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, but may not be mowed to a height of less than 12 inches.

(d) 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 ordinance of a local road authority not conflicting with the rules of the commissioner.

(e) A right-of-way may be mowed, burned, or tilled to prepare the right-of-way for the establishment of permanent vegetative cover or for prairie vegetation management.

(f) When feasible, road authorities are encouraged to utilize low maintenance, native vegetation that reduces the need to mow, provides wildlife habitat, and maintains public safety.

(g) The commissioner of natural resources shall cooperate with the commissioner of transportation to provide enhanced roadside habitat for nesting birds and other small wildlife.

History: *1985 c 127 s 2; 1986 c 398 art 27 s 1; 1989 c 179 s 1; 1Sp2005 c 1 art 2 s 137*

160.2325 HIGHWAYS FOR HABITAT PROGRAM.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Integrated roadside vegetation management" means an approach to right-of-way maintenance that combines a variety of techniques based on sound ecological principles, which establish and maintain safe,

healthy, and functional roadsides. Integrated roadside vegetation management includes but is not limited to judicious use of herbicides, spot mowing, biological control, prescribed burning, mechanical tree and brush removal, erosion prevention and treatment, and prevention and treatment of other right-of-way disturbances.

(c) "Program" means the highways for habitat program established in this section.

Subd. 2. **Program establishment.** The commissioner must establish a highways for habitat program to enhance roadsides with pollinator and other wildlife habitat and vegetative buffers.

Subd. 3. **Management standards.** (a) The commissioner, in consultation with native habitat biologists and ecologists, must develop standards and best management practices for integrated roadside vegetation management under the program.

(b) The standards and best management practices must, to the extent practicable, include:

(1) guidance on seed and vegetation selection based on the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines;

(2) requirements for roadside vegetation management protocols that avoid the use of pollinator lethal insecticides as defined under section 18H.02, subdivision 28a;

(3) practices that are designed to avoid habitat destruction and protect nesting birds, pollinators, and other wildlife, except as necessary to control noxious weeds as provided under section 160.23; and

(4) identification of appropriate right-of-way tracts for wildflower and native habitat establishment.

Subd. 4. **Legislative report.** (a) By January 15 of each odd-numbered year, the commissioner must submit a performance report on the program to the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance. At a minimum, the report must include:

(1) information that details the department's progress on implementing the highways for habitat program;

(2) a fiscal review that identifies expenditures under the program; and

(3) an investment plan for each district of the department for the next biennium.

(b) The performance report must be reviewed by the department's chief engineer.

(c) This subdivision expires December 31, 2033.

History: *2023 c 68 art 4 s 14*

160.235 TRAFFIC SIGNAL TIMING OPTIMIZATION.

(a) A road authority that has ownership of a traffic signal on a principal arterial roadway or roadway with an average daily traffic greater than 20,000 vehicles per day must complete an inventory of all traffic signals under its ownership and submit it to the Department of Transportation district engineer. The inventory must include age of all signals, control equipment, communications, detection type, timing plans in operation, and date of last timing optimization.

(b) Based on the information from the inventory, a road authority subject to paragraph (a) must develop and implement a traffic signal system optimization plan, which must include re-evaluation of traffic signal timing at least once every five years. Each road authority with a traffic signal optimization plan must annually

certify compliance with its plan and submit the certification as part of its annual maintenance expenditure report.

(c) Upon request of a local road authority, the commissioner shall provide reasonable technical assistance to meet the requirements under this section.

History: *2015 c 75 art 2 s 6*

PERMITS FOR SPECIAL OPERATIONS

160.24 MS 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 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. MS 1990 [Repealed, 1991 c 326 s 27]

History: *1959 c 500 art 1 s 24*

160.241 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.25 MS 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 and at the expense of the owner or lessee.

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 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.

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.

History: *1959 c 500 art 1 s 25; 1985 c 169 s 2; 1Sp1985 c 16 art 2 s 9; 1986 c 444*

160.251 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.26 MS 1953 [Repealed, 1957 c 943 s 72]

160.26 MOVING BUILDINGS OVER HIGHWAYS.

Subdivision 1. **Moved without unnecessary interference.** Buildings or structures moved or caused to be moved upon, across, or along any road or street, including city 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 requirement, authority.** (a) 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 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.

(b) 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. MS 1982 [Repealed, 1983 c 293 s 115]

Subd. 4. **Cost of removing fences, poles.** No person, firm, or corporation shall be required to displace or temporarily remove the fences, poles, wires, cables, or other appurtenances of that person, firm, or corporation 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 reasonable 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.

History: *1959 c 500 art 1 s 26; 1961 c 748 s 1; 1973 c 123 art 5 s 7; 1986 c 444*

160.261 [Renumbered 218.025]

RECREATIONAL LANES

160.262 BIKEWAYS.

Subdivision 1. **Bikeways; powers and duties; design guidelines.** (a) The legislature determines that it is in the interests of the public health, safety and welfare, to provide for the addition of bikeways to proposed and existing public highways. The commissioner of transportation is authorized to plan, design, establish, and maintain bikeways on the right-of-way of any trunk highway. The commissioner is responsible for the design and construction of all bikeway projects within the right-of-way of any trunk highway. The commissioner must consider the development of bikeways during the planning, design, construction, reconstruction, or improvement of any trunk highway, or allow the establishment of such bikeways within trunk highway right-of-way.

(b) The commissioner must maintain bikeway design guidelines consistent with the state transportation goals in section 174.01.

(c) The commissioner must compile and maintain a map of bikeways in the state and must publish and distribute the map's information at least once every two years in a form and manner suitable to assist persons wishing to use the bikeways.

(d) The commissioner must maintain bikeways within the limits of trunk highway right-of-way unless a written agreement or limited use permit provides otherwise.

Subd. 2. MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

Subd. 3. **Cooperation among agencies and governments.** (a) The departments and agencies on the active transportation advisory committee identified in section 174.375 must provide information and advice for the bikeway design guidelines maintained by the commissioner.

(b) The commissioner must provide technical assistance to local units of government in:

(1) local planning and development of bikeways;

(2) establishing connections to state bicycle routes; and

(3) implementing statewide bicycle plans maintained by the commissioner.

(c) 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, any Tribal government, or any public or private corporation in order to effect the purposes of this section.

Subd. 4. **Design-build bridges for nonmotorized vehicles.** For streets and highways, the commissioner must allow for the acceptance of performance-specification bids, made by the lowest responsible bidder, for constructing design-build bridges for bikeways and pedestrian facilities that are:

(1) designed and used primarily for nonmotorized transportation, but may allow for motorized wheelchairs, golf carts, necessary maintenance vehicles and, when otherwise permitted by law, rule, or ordinance, snowmobiles; and

(2) located apart from any road or highway or protected by barriers, provided that a design-built bridge may cross over and above a road or highway.

Subd. 5. **Best-value alternative.** As an alternative to the procurement method described in subdivision 4, the commissioner may allow for the award of design-build contracts for the projects described in subdivision

4 to the vendor or contractor offering the best value under a request for proposals as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

History: *1973 c 123 art 5 s 7; 1973 c 620 s 1; 1975 c 271 s 6; 1976 c 149 s 59; 1976 c 166 s 7; 1981 c 356 s 177,178; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1986 c 444; 1987 c 312 art 1 s 26 subd 2; 1987 c 358 s 34; 1987 c 384 art 3 s 42; 1994 c 635 art 1 s 1; 1Sp2001 c 4 art 6 s 77; 1Sp2003 c 4 s 1; 2007 c 148 art 3 s 15; 1Sp2017 c 3 art 3 s 8-10; 2020 c 83 art 1 s 47; 2023 c 68 art 4 s 15*

160.263 BICYCLE LANES, ROUTES, AND PATHS.

Subdivision 1. MS 1986 [Repealed, 1987 c 255 s 15]

Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political subdivision may by ordinance or resolution:

(1) designate any roadway or shoulder or portion thereof under its jurisdiction as a bicycle lane or bicycle route;

(2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path provided that the designation does not destroy a pedestrian way or pedestrian access;

(3) develop and designate bicycle paths;

(4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

(b) A governing body may not prohibit or otherwise restrict operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder, unless the governing body determines that operation of the electric-assisted bicycle is not consistent with (1) the safety or general welfare of bikeway, roadway, or shoulder users; or (2) the terms of any property conveyance.

Subd. 3. **Designation.** (a) A governing body designating a bikeway under this section may:

(1) designate the type and character of vehicles or other modes of travel which may be operated on a bikeway, provided that the operation of such vehicle or other mode of travel is not inconsistent with the safe use and enjoyment of the bikeway by bicycle traffic;

(2) establish priority of right-of-way on the bicycle lane or bicycle path and otherwise regulate the use of bikeways as it deems necessary; and

(3) paint lines or construct curbs or establish other physical separations to exclude the use of the bikeways by vehicles other than those specifically permitted to operate thereon.

(b) The designating governing body may, after public hearing, prohibit through traffic on any highway or portion thereof designated as a bicycle lane or bicycle route, except that through traffic may not be prohibited on a trunk highway. The designating governing body shall erect and maintain official signs giving notice of the regulations and priorities established under this subdivision and shall mark all bikeways with appropriate signs. Marking and signing of bikeways by the designating governing body shall be in conformance with the Minnesota Manual on Uniform Traffic Control Devices.

(c) When an existing disability parking space is designated pursuant to section 169.346, subdivision 2, on a segment of road on which the governing body is considering designating a bikeway, the governing body must work with the person of record for the disability parking space to determine if the parking space is in use and may be removed, modified, or relocated to a mutually agreeable location. The governing body

must establish in public record an agreement to remove, modify, or relocate the disability parking space. If there is no agreement to remove, modify, or relocate the disability parking space, the governing body must designate the bikeway in a manner that does not eliminate or interfere with the parking space, or must establish a disability parking space at the nearest possible location to facilitate a continuous designated bikeway.

(d) For purposes of this subdivision, "person of record" means the person who is identified on file with the governing body as the requester to establish the disability parking space. If the person of record does not use the disability parking space, the person of record may delegate the authority for an agreement under paragraph (c) or may negotiate on behalf of another individual who primarily uses the disability parking space.

Subd. 4. **Speed on street with bicycle lane.** Notwithstanding section 169.14, subdivision 5, the governing body of any political subdivision, by resolution or ordinance and without an engineering or traffic investigation, may designate a safe speed for any street or highway under its authority upon which it has established a bicycle lane; provided that such safe speed shall not be lower than 25 miles per hour. The ordinance or resolution designating a safe speed is effective when appropriate signs designating the speed are erected along the street or highway, as provided by the governing body.

History: *1976 c 199 s 15; 1987 c 255 s 3,4; 2012 c 287 art 4 s 4; 1Sp2021 c 5 art 4 s 9*

160.264 REPLACING BIKEWAYS AND PEDESTRIAN WAYS.

Whenever an existing bikeway, pedestrian way, or roadway used by bicycles or pedestrians or the sole access to such is destroyed by any new, reconstructed, or relocated federal, state, or local highway, the road authority responsible shall replace the destroyed facility or access with a comparable facility or access. Replacement is not required where it would be contrary to public safety or when sparsity of population, other available ways or other factors indicate an absence of need for such facility or access.

History: *1976 c 199 s 16; 1987 c 255 s 5*

160.265 MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

160.266 STATE BICYCLE ROUTES.

Subdivision 1. MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

Subd. 1a. **State bicycle route; definition.** For the purposes of this section, "state bicycle route" means a linear series of one or more roads or bikeways that is designated for bicycle travel, regardless of whether for exclusive use by bicycles or shared use with other modes of transportation.

Subd. 1b. **State bicycle routes.** The commissioner of transportation must identify state bicycle routes primarily on existing road right-of-way and trails. State bicycle routes must be identified in cooperation with road and trail authorities, including the commissioner of natural resources, and with the advice of the active transportation advisory committee under section 174.375. In a metropolitan area, state bicycle routes must be identified in coordination with the plans and priorities established by metropolitan planning organizations, as defined in United States Code, title 23, section 134.

Subd. 2. MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, must:

(1) identify existing bikeways of regional significance that are in reasonable proximity but not connected to the state bicycle routes established under this section; and

(2) support development of linkages between state bicycle routes established under this section.

(b) The requirements of this subdivision are a secondary priority for use of funds available under this section following establishment and enhancement of state bicycle routes under this section.

Subd. 4. **Cooperation with other entities.** The commissioner may contract and enter into agreements with federal agencies, other state agencies, local governments, Tribal governments, or private entities to establish, develop, maintain, and operate state bicycle routes and to interpret associated natural and cultural resources.

Subd. 5. **Funding.** Shared use paths included within state bicycle routes and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section 85.535, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Subd. 6. **Mississippi River Trail.** The Mississippi River Trail bikeway is designated as a state bicycle route. It must originate at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallel the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminate. Where opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

Subd. 7. **Jim Oberstar Bikeway.** The Jim Oberstar Bikeway is designated as a state bicycle route. It must originate in the city of St. Paul in Ramsey County, then proceed north and east to Duluth in St. Louis County, then proceed north and east along the shore of Lake Superior through Grand Marais in Cook County to Minnesota's boundary with Canada, and there terminate.

History: *2012 c 287 art 4 s 5; 1Sp2017 c 3 art 3 s 11-16; 2020 c 83 art 1 s 48; 2023 c 68 art 4 s 16-18*

RIGHT-OF-WAY USE RESTRICTIONS

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. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

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. **Micromobility facilities.** (a) For purposes of this subdivision, "micromobility facility" means an installation for micromobility devices as defined in section 169.011, subdivision 40b, whether for personal use or shared mobility services, that provides one or more of the following: a rack or docking station, a battery charging or swapping station, or a storage facility.

(b) In a statutory or home rule charter city, advertisements, public art, and informational signs may be placed and maintained on a micromobility facility if:

(1) a road authority has issued a permit to the city authorizing the micromobility facility 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 micromobility facility; and

(3) the placement does not create an unsafe situation.

(c) 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. 7a. **Shared electric vehicle facilities.** (a) For purposes of this subdivision, "shared electric vehicle facility" means an installation for one or more parking spaces that is:

(1) established as part of a shared mobility service;

(2) identified for use by all-electric vehicles as defined in section 169.011, subdivision 1a; and

(3) equipped to recharge an all-electric vehicle, recharge an all-electric vehicle energy storage device, or provide for swapping an all-electric vehicle battery.

(b) In a statutory or home rule charter city, advertisements, public art, and informational signs may be placed and maintained on a shared electric vehicle facility if:

(1) a road authority has issued a permit to the city authorizing the shared electric vehicle facility 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 shared electric vehicle facility; and

(3) the placement does not create an unsafe situation.

(c) 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.

Subd. 10. **Department of Transportation temporary permit for field application.** (a) In connection with the use of road right-of-way controlled by the commissioner, excluding on controlled-access highways under section 160.08, a property owner or occupant of property may apply for a permit for temporary placement, for up to 14 days, of a pressurized flexible force main to transport manure for field application.

(b) The property owner or occupant must:

(1) identify the entire length of the right-of-way for use under the permit;

(2) place the force main within the backslope of the right-of-way where possible;

(3) place pumping equipment outside the right-of-way; and

(4) meet all of the permit requirements identified by the commissioner.

(c) Once the commissioner has issued a permit, the property owner or occupant may place the force main over the length of the right-of-way from the permittee's property to where the manure will be applied, irrespective of whether the permittee is the owner or occupant of all property abutting the portion of the right-of-way where the force main is to be placed.

(d) The commissioner may restrict the number of force mains simultaneously located in the same right-of-way.

Subd. 11. **Local road authority temporary permit for certain field application.** (a) A local road authority may, by ordinance, establish a permitting process to authorize the placement of pressurized flexible force main within right-of-way under the jurisdiction of the local road authority to transport manure for field application. A town board must be authorized to adopt the ordinance at an annual town meeting. A local road authority must not impose a fee or other charge for the permit. A permit issued under the ordinance is valid for one year or longer as specified by the local road authority.

(b) A local road authority that has adopted an ordinance providing for a permitting process must issue a permit to any property owner or occupant who applies for a permit if:

(1) the applicant submits a complete application at least five days prior to the day the applicant intends to place the force main within the identified right-of-way or a shorter time if approved by the road authority; and

(2) the requirements under subdivision 13 are met.

Subd. 12. **General authority for certain field application.** When the local road authority has not adopted an ordinance establishing a permitting process under subdivision 11, an owner or occupant may place a pressurized flexible force main within right-of-way under the jurisdiction of the local road authority to transport manure for field application if:

(1) the local road authority has not notified the owner or occupant of scheduled road authority maintenance activities that would be unduly interfered with if the placement occurred during the maintenance activity; and

(2) the requirements under subdivision 13 are met.

Subd. 13. **General regulations regarding certain field application.** The following requirements apply when a force main is placed in a road right-of-way under subdivision 11 or 12:

(1) the owner or occupant must provide, at least one business day prior to placement of the force main, written or electronic notice to the local road authority of the intent to place a force main within an identified right-of-way;

(2) unless specifically authorized, the force main must not be left in a right-of-way for more than 21 consecutive days;

(3) the owner or occupant must identify and notify the local road authority of the intended starting and end points, and the path of the intended placement;

(4) the owner or occupant must provide to the local road authority the intended starting and ending dates the force main will be placed in the right-of-way;

(5) unless otherwise instructed by the applicable local road authority, the owner or occupant must place the force main in the backslope of the right-of-way to the extent possible;

(6) unless specifically instructed otherwise, the owner or occupant must place all pumping equipment outside of the right-of-way;

(7) the identified right-of-way must not be a controlled-access highway under section 160.08;

(8) the owner or occupant must provide the local road authority (i) the owner or occupant's full name, address, and phone number where the owner or occupant can be reached during the time the force main is placed within the right-of-way, and (ii) any other contact information where the owner or occupant can be reached after the force main has been removed from the right-of-way;

(9) field application must be performed by the holder of a valid commercial animal waste technician applicator license under section 18C.430, including proof of financial responsibility;

(10) the force main placement must not unreasonably interfere with: (i) another landowner or occupant's access to the owner or occupant's property; (ii) the safe use of the right-of-way in which the force main is placed; (iii) the safe use of any driveway or private road that the force main crosses; or (iv) maintenance activities authorized by the local road authority;

(11) no prior notice under clause (1) or permit under subdivision 11 is required if the placement of the force main is necessary to prevent overflow of a manure lagoon or manure storage pond or to deal with emergency pumping activities created by flooding, natural disaster, or declared emergency. The owner or occupant must make a good faith effort to notify the local road authority of emergency placement and operation of a force main under this clause, and must remove the force main within three days following the end of the impending overflow, flood, natural disaster response, or declared emergency;

(12) the local road authority may remove or have removed, at the owner or occupant's expense, any force main remaining in a right-of-way beyond the number of days authorized under this section;

(13) the owner or occupant is responsible for restoring the right-of-way to the preplacement condition, including the immediate cleanup of any spillage or leakage of manure into the right-of-way; and

(14) a local road authority may, by ordinance, restrict the number of force mains simultaneously located in the same right-of-way.

Subd. 14. **Damage or spills; liability and immunity.** (a) A commercial animal waste technician company licensed under section 18C.430 using a pressurized flexible force main for the transport of manure for field application under this section is liable for the costs of cleanup and repair for any spill or damage caused by a commercial animal waste technician applicator during the placement, use, or removal of the force main.

(b) Neither the commissioner nor any city, county, or town road authority is subject to any cause of action arising from the placement or operation of a pressurized flexible force main under this section.

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; 2015 c 75 art 2 s 7; 2016 c 168 s 1-5; 2023 c 68 art 5 s 1,2*

160.271 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.

(a) 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 or deposit snow or ice thereon;

(2) plow or perform any other detrimental operation within the road right-of-way except in the preparation of the land for planting permanent vegetative cover or as authorized under section 160.232;

(3) erect a fence on the right-of-way of a trunk highway, county state-aid highway, county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

(4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances;

(5) dig any holes in any highway, except to locate markers placed to identify sectional corner positions and private boundary corners;

(6) remove any earth, gravel, or rock from any highway;

(7) obstruct any ditch draining any highway or drain any noisome materials into any ditch;

(8) place or maintain any building or structure within the limits of any highway;

(9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, subdivision 7;

(10) paint, print, place, or affix any advertisement or any object within the limits of any highway, except as provided in section 160.27, subdivision 7;

(11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;

(12) remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;

(13) improperly place or fail to place warning signs and detour signs as provided by law;

(14) 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.

(b) Any violation of this section is a misdemeanor.

History: *1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1980 c 435 s 1; 1980 c 533 s 2; 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; 2004 c 295 art 2 s 15*

REST AREAS AND TRAVEL CENTERS

160.272 SAFETY REST AREA AND TRAVEL INFORMATION CENTER LEASES.

Subdivision 1. **Lease agreements.** (a) Except as provided in subdivision 3, and notwithstanding any other law to the contrary, the commissioner may enter into lease agreements through negotiations with public or not-for-profit entities or through best value, as defined in section 16C.02, subdivision 4, with private entities relating to the use of safety rest areas and travel information centers. For purposes of this section, "private entity" means a chamber of commerce, a tourist and visitors bureau, or other organization that exists to promote tourism and economic development.

(b) A lease under this subdivision may:

(1) with the approval of the commissioner of administration, prescribe a lease term length of up to 20 years, with options for renewal;

(2) allow the lessee to operate a safety rest area facility in whole or in part;

(3) allow the lessee to offer for sale products or services under section 160.2725; and

(4) allow the lessee to add leasehold improvements to the site after approval by the commissioner.

(c) A lease agreement for a safety rest area is subject to section 160.273 regarding vending at safety rest areas.

(d) A lease agreement must include terms that promote and encourage the employment of needy elderly persons according to section 160.282.

(e) The commissioner may publicly acknowledge the lessee and may erect signs adjacent to the main travel lanes of a highway acknowledging the lessee. Acknowledgment on the main line may consist of placement of up to one sign for each direction of traffic served. The placement of signs shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100 square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the main-line signs.

Subd. 2. **Revenues deposited.** The commissioner shall deposit revenues from leases authorized under this section into the safety rest area account established in section 160.2745.

Subd. 3. **Application to other law.** Nothing in this section affects existing contracts under section 248.07 or their renewal.

History: *2004 c 295 art 2 s 2,15*

160.2721 COMMERCIAL VEHICLE DRIVERS AT REST AREAS.

(a) The commissioner shall allow a commercial motor vehicle operator who is subject to hours of service regulations under Code of Federal Regulations, title 49, part 395, to stop and park continuously, for a period of up to ten hours as necessary to comply with the hours of service regulations, at any Department of Transportation safety rest area or travel information center that has parking stalls designed to accommodate a commercial motor vehicle, as defined in section 169.011, subdivision 16.

(b) Any clause or provision in a lease or other agreement for the operation of a Department of Transportation safety rest area or travel information center that purports to limit the requirements under paragraph (a) is void and without effect.

History: *2008 c 287 art 1 s 6*

160.2725 SALES AT SAFETY REST AREAS.

Subdivision 1. **Sales authorized.** Notwithstanding section 160.08, the commissioner may sell travel and tourism-related publications and maps and travel and tourism-related merchandise and services. The commissioner may rent or sell items for the convenience of persons using safety rest areas, including local attraction tickets, and permits and licenses issued by units of government. Notwithstanding section 16A.1285, the commissioner of transportation may collect a service fee for the sale of lottery tickets, local attraction tickets, and permits and licenses.

Merchandise that competes with vending machine sales authorized under section 160.273 is subject to the provisions of subdivision 5. Food and beverage sales are limited to those items that are sold from vending machines.

Subd. 2. **Advertising.** The commissioner may advertise the availability of a program or item offered under this section.

Subd. 3. **Software sales.** Notwithstanding section 16E.15 or 160.08, the commissioner may sell or license intellectual property and software products or services developed by a government unit or custom-developed by a vendor for a government unit.

Subd. 4. **Revenues deposited.** Money received by the commissioner under this section must be deposited in the safety rest area account established in section 160.2745.

Subd. 5. **Competing merchandise.** The commissioner and the designated state licensing agency authorized under United States Code, title 20, sections 107 to 107e, shall enter into an interagency agreement before rest areas are leased or before nonvending machine sales occur at rest areas. The interagency agreement must identify what constitutes competing merchandise and establish policies and procedures related to the sale of competing merchandise at rest areas.

History: *2004 c 295 art 2 s 3,15; 2005 c 156 art 5 s 23*

160.273 VENDING MACHINES.

Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines dispensing food, nonalcoholic beverages, milk, or other items the commissioner deems appropriate and desirable in highway safety rest areas, travel information centers, and weigh stations on marked interstate highways and primary trunk highways. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07.

History: *1967 c 167 s 1; 1976 c 166 s 7; 1984 c 417 s 4; 1988 c 570 s 1; 2004 c 295 art 2 s 10,15*

160.2735 SPONSORSHIP OF SAFETY REST AREAS.

Subdivision 1. **Sponsorship program.** The commissioner may enter into agreements for public or private sponsorship of highway safety rest areas by transportation and tourism-related entities. The commissioner may publicly acknowledge sponsors and may erect signs adjacent to the main travel lanes of

a highway acknowledging the sponsors. Acknowledgment on the main line may consist of placement of up to one sign for each direction of traffic served. The placement of signs shall only be allowed (1) as approved through the Manual on Uniform Traffic Control Devices process for experimentation, (2) in accordance with federal standards and policies, and (3) so that no sign exceeds 100 square feet. No more than three acknowledgment signs or displays may be placed at any one rest area, in addition to the main-line signs.

Subd. 2. **Revenue.** The commissioner shall deposit revenue from the sponsorship program to the safety rest area account established in section 160.2745.

Subd. 3. **Prohibition.** The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

History: *2004 c 295 art 2 s 4*

160.274 SALE OF SURPLUS REST AREA PROPERTY.

Subdivision 1. **Reconveyance of land.** The commissioner may reconvey land no longer needed for safety rest area purposes, subject to section 161.44.

Subd. 2. **Proceeds deposited; appropriation.** Proceeds from the sale of real estate and buildings under this section must be paid into the safety rest area account established in section 160.2745 and are appropriated to the commissioner (1) for the actual cost of selling the real estate or buildings, (2) for the fees required to be paid under sections 161.23 and 161.44, and (3) as provided in section 160.2745.

Subd. 3. **Prohibition.** The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

History: *2004 c 295 art 2 s 5*

160.2745 SAFETY REST AREA ACCOUNT.

Subdivision 1. **Account established.** A safety rest area account is established in the trunk highway fund. Funds in the account are available until expended.

Subd. 2. **Deposits.** The commissioner shall deposit in the safety rest area account revenue received from leasing or sponsoring safety rest areas, advertising at safety rest areas, selling safety rest area property and lands, and other revenue generated with respect to safety rest areas.

Subd. 3. **Appropriation; expenditures.** Money in the account is appropriated to the commissioner. The commissioner may spend proceeds of the account for safety rest areas, including program administration, maintenance and operations, development and improvements, and services to customers.

History: *2004 c 295 art 2 s 6*

160.275 MS 1953 [Repealed, 1957 c 943 s 72]

160.2755 PROHIBITED ACTIVITIES AT REST AREAS.

Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

(1) dispose of travel-related trash and rubbish, except if depositing it in a designated receptacle;

(2) dump household or commercial trash and rubbish into containers or anywhere else on site; or

(3) drain or dump refuse or waste from any trailer, recreational vehicle, or other vehicle except where receptacles are provided and designated to receive the refuse or waste.

Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor.

History: *2010 c 351 s 3*

TRAVEL INFORMATION FACILITIES

160.276 TRAVEL INFORMATION ADVERTISING PROGRAM.

Subdivision 1. **Leasing advertising space.** The commissioner of transportation may lease advertising space within travel information centers and safety rest areas for the purpose of providing information to travelers through travel-related commercial and public service advertising.

Subd. 2. MS 2002 [Repealed by amendment, 2004 c 295 art 2 s 7]

Subd. 2a. **Agreements.** The commissioner of transportation, by public negotiation or bid, shall enter into agreements for the purposes of this section.

Subd. 3. **Information facilities.** The commissioner may contract to permit a vendor to construct, operate, and maintain additional information structures by and at the expense of the vendor on state-owned lands within safety rest areas or travel information center areas. All structures constructed by the vendor must meet or exceed specifications prescribed by the commissioner of transportation and must satisfy the requirements of the State Building Code for accessibility by the physically disabled. The vendor shall design all structures to enhance the site and surroundings in a manner harmonious with the natural environment as determined by the commissioner.

Subd. 3a. **Insurance.** The commissioner shall require the vendor to obtain liability insurance in an amount prescribed by the commissioner jointly insuring the state and the vendor against any and all liability for claims for damage occurring wholly or partly because of the existence of the vendor contract.

Subd. 4. **Sites; advertising.** The commissioner shall determine the sites to be included in this program and shall also determine the extent and location of space available for advertising in each facility.

Subd. 5. **Explore Minnesota Tourism.** The commissioner shall provide space free of charge to Explore Minnesota Tourism for travel information centers. The commissioner shall not charge Explore Minnesota Tourism for any regular expenses associated with the operation of the travel information centers. The commissioner shall provide highway maps free of charge for use and distribution through the travel information centers.

Subd. 6. **Agreement requirements.** Each vendor agreement must contain the following provisions:

(1) that the vendor shall comply with Code of Federal Regulations, title 23, part 752, and subsequent revisions pertaining to privately operated information systems;

(2) that at least 40 percent of the commercial advertising space must be offered initially for a reasonable period of time to local advertisers who provide services for travelers within a 60-mile radius of the safety rest area or travel information center;

(3) that the vendor shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers;

(4) reasonable performance standards, and maintenance standards for structures constructed by the vendor; and

(5) limitations on advertising space within state-owned buildings or on state-owned property in safety rest areas and travel information centers.

Subd. 7. **Reasonable terms and conditions.** The commissioner of transportation may require additional reasonable terms and conditions to be included in the vendor agreement, including but not limited to provisions governing the renewal and termination of the agreement and, in the event of termination, the rights of the state and the vendor in advertising contracts and in buildings constructed by the vendor.

Subd. 8. **Revenue.** The agreement may provide that the vendor pay a portion of the gross revenues derived from advertising. These revenues must be paid to the state for deposit in the safety rest area account established in section 160.2745. The commissioner of transportation and director of Explore Minnesota Tourism may enter into an interagency agreement to define the distribution of the revenues generated in this subdivision and subdivisions 2a and 3a.

History: *1980 c 494 s 2-4; 1986 c 444; 1991 c 345 art 1 s 78; 2004 c 171 s 17; 2004 c 295 art 2 s 7-9,15; 2005 c 56 s 1; 2009 c 78 art 2 s 32; 2020 c 83 art 1 s 49*

160.277 Subdivision 1. [Renumbered 160.276, subd 2a]

Subd. 2. [Renumbered 160.276, subd 3a]

Subd. 3. [Renumbered 160.276, subd 8]

160.278 Subdivision 1. [Renumbered 160.276, subd 6]

Subd. 2. [Renumbered 160.276, subd 6]

Subd. 3. [Renumbered 160.276, subd 7]

160.28 MS 1953 [Repealed, 1957 c 943 s 72]

160.28 PLANS FOR PUBLIC TRAVEL FACILITIES.

Subdivision 1. **Safety rest areas; travel information centers; weigh stations.** Any other law to the contrary notwithstanding, the commissioner of transportation may have plans, specifications, and detailed designs prepared for the construction of buildings and facilities for highway safety rest areas, travel information centers in combination with rest areas, and weigh stations when the commissioner deems these buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. [Renumbered 160.273]

History: *1967 c 167 s 1; 1976 c 166 s 7; 1984 c 417 s 4; 1988 c 570 s 1; 2004 c 295 art 2 s 10,15*

160.281 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.281 TOURIST INFORMATION CENTER IN SOUTH DAKOTA.

Subdivision 1. **Authority to acquire site.** The commissioner of transportation is authorized to enter into an agreement with appropriate officials of the federal government and the state of South Dakota, to acquire by gift or purchase for trunk highway uses and purposes such land in the state of South Dakota as the commissioner may deem necessary for use as a site for and to construct and operate thereon a combination

rest area and tourist information center, which center shall be located not more than one mile west of the Minnesota-South Dakota state lines, along the eastbound lane of Interstate 90.

Subd. 2. **Operation and maintenance of center.** The personnel who shall operate the center authorized by subdivision 1, shall be employees of the state of Minnesota. However, the commissioner of transportation may enter into an agreement with the appropriate officials of the state of South Dakota, under which the maintenance to be provided to the center itself and the site in toto may be provided by persons not employees of the state of Minnesota, which persons may be employees of the state of South Dakota. The agreement may provide for reasonable compensation.

Subd. 3. **Payment of taxes and assessments.** The commissioner may, in connection with the construction, maintenance, operation, and use of the center, pay any and all taxes or special assessments, if any, that may be assessed against said property by the state of South Dakota or its political subdivisions or taxing districts. Provided, however, that nothing in this subdivision shall be construed to authorize the commissioner to pay any tax or special assessment which would not be required to be paid by the state of South Dakota for similarly held and used property.

Subd. 4. **Costs paid out of trunk highway fund.** The cost of the land acquisition, the construction, operation, and maintenance costs as agreed, of the center provided for herein shall be paid out of the trunk highway fund.

History: *1969 c 89 s 1-4; 1976 c 166 s 7; 1986 c 444*

160.282 PUBLIC TRAVEL FACILITIES.

Notwithstanding any other statute to the contrary, the commissioner of transportation may negotiate contracts, with or without requiring the submission of bids therefor, for the providing of maintenance services for interstate and trunk highway rest stop and tourist information centers. The terms and conditions of such contracts shall be as agreed upon and shall be such as to promote and encourage the employment of needy, elderly persons.

History: *1969 c 157 s 1; 1976 c 166 s 7*

RESORT INFORMATION SIGNS

160.283 RESORT INFORMATION SIGNS; PURPOSE.

Subdivision 1. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 2. **Applicability.** The provisions of sections 160.283 to 160.285 only apply to directional devices or signs that may be erected pursuant to the provisions of sections 160.283 to 160.285 on those county state-aid highways, county highways and town roads within one-half mile of areas that have restrictions on the erection of advertising devices along or adjacent thereto imposed under the applicable provisions of chapter 173.

Subd. 3. **Resort defined.** For the purposes of sections 160.283 to 160.285 the term "resort" shall be as defined in section 157.15 or a golf course, restaurant, or motel as defined in section 157.15 or recreational camping area as defined in section 327.14, subdivision 8.

History: *1971 c 675 s 1; 1976 c 166 s 7; 1982 c 617 s 1; 1984 c 417 s 5; 1987 c 384 art 1 s 18; 1995 c 207 art 9 s 60*

160.284 RESORT SIGNS; DESIGN AND MANUFACTURE.

The Department of Transportation shall design a sign of such size and dimension and of a type sufficient to provide directional information, on slats designed for that purpose, for at least five individual resorts. The Department of Transportation shall contract for the construction or manufacture of such signs, either with private industry or through some agency of the state. All such signs shall be of a standard size and design.

History: *1971 c 675 s 2; 1976 c 166 s 7*

160.285 RESORT SIGNS; COUNTY PARTICIPATION.

Subdivision 1. **Expenditures for signs.** Any county of this state is authorized to expend county road and bridge funds for the purchase of signs under section 160.283, and for the erection of such signs along or adjacent to highways under their jurisdiction or along and adjacent to town roads within the county, provided that the cost of the signs to the counties must be 100 percent reimbursed by the requester.

Subd. 2. **Erection and maintenance.** Counties may erect and maintain these signs at the expense of the requester on those county state-aid highways, county highways and town roads designated in section 160.283, subdivision 2 provided that these signs 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, paragraph (d), or closer than 300 feet from other trunk highways as provided in section 173.16, subdivision 4, paragraph (e).

Subd. 3. **Fund credited.** All money received from the purchase of signs from any county must be deposited in the state treasury and credited to the trunk highway fund.

History: *1971 c 675 s 3; 1973 c 35 s 33; 1976 c 166 s 7; 1984 c 417 s 6*

VACATING PUBLIC RIGHT-OF-WAY

160.29 MS 1953 [Repealed, 1957 c 943 s 72]

160.29 VACATION OF PUBLIC WAYS BY MUNICIPALITY.

Subdivision 1. **Municipality defined.** For purposes of this section the term "municipality" means any city, county or town. The term "public way" means any highway, road, street, cartway, alley or lane or other publicly owned interest in real property which is open to the free passage and use of the public.

Subd. 2. **Effect on easements.** In proceedings under statute or charter to vacate a public way or portion thereof, a municipality may specify the extent to which such vacation affects existing easements therein and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, thereon or thereunder, to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

History: *1971 c 461 s 1,2; 1973 c 123 art 5 s 7*

160.291 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

SERVICE INFORMATION SIGNS

160.292 INFORMATION SIGNS FOR SPECIFIC SERVICES; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 160.292 to 160.296, the terms defined in this section have the meanings given them.

Subd. 2. [Renumbered subd 22]

Subd. 3. [Renumbered subd 23]

Subd. 4. [Renumbered subd 24]

Subd. 5. [Renumbered subd 16]

Subd. 6. [Renumbered subd 18]

Subd. 7. [Renumbered subd 15]

Subd. 7a. [Renumbered subd 19]

Subd. 8. [Renumbered subd 17]

Subd. 9. [Renumbered subd 14]

Subd. 10. [Renumbered subds 20,21,25]

Subd. 11. [Renumbered subd 13]

Subd. 12. **Business panel.** "Business panel" means a separately attached sign panel that shows, either individually or in combination, the brand, symbol, trademark, or logo of the business service.

Subd. 13. **Gasoline service station; retail motor fuel business.** "Gasoline service station" or "retail motor fuel business" means a business that provides vehicle services including fuel and oil; provides restroom facilities and drinking water; provides staff for continuous operation at least 12 hours per day, seven days per week; and provides public access to a telephone.

Subd. 14. **Local road.** "Local road" means any nontrunk highway.

Subd. 15. **Motel.** "Motel" has the meaning given to the word "hotel" in section 157.15.

Subd. 16. **Nonfreeway trunk highway.** "Nonfreeway trunk highway" means all (1) roadways that are not designated freeways and that have crossing traffic at grade intersections and (2) bypasses of outstate municipalities that have interchanges at intersections of trunk highways with local roads or with other trunk highways.

Subd. 17. **Recreational camping area.** "Recreational camping area" has the meaning given it in section 327.14, subdivision 8.

Subd. 18. **Resort.** "Resort" has the meaning given it in section 157.15.

Subd. 19. **Restaurant.** "Restaurant" has the meaning given it in section 157.15.

Subd. 20. **Rural agricultural business.** "Rural agricultural business" includes but is not limited to (1) a grain-handling facility, (2) a business providing care and well-being to animals, and (3) the sale of feed or seed.

Subd. 21. **Specific service.** "Specific service" means restaurants; rural agricultural or tourist-oriented businesses; places of worship; gasoline service stations and other retail motor fuel businesses; and motels, resorts, or recreational camping areas that provide sleeping accommodations for the traveling public.

Subd. 22. **Specific service sign.** "Specific service sign" means a rectangular sign panel displaying the name or optional business panel, or both, of a rural agricultural or tourist-oriented business, place of worship, motel, restaurant, resort, recreational camping area, or gasoline service station or other retail motor fuel business and, where appropriate, the direction to and distance to the rural agricultural or tourist-oriented business, place of worship, recreational camping area, motel, restaurant, resort, or gasoline service station or other retail motor fuel business.

Subd. 23. **Specific service sign assembly.** "Specific service sign assembly" means a combination of specific service sign panels to be placed within the right-of-way on appropriate approaches to an intersection or interchange.

Subd. 24. **Specific service sign cluster.** "Specific service sign cluster" means a grouping of specific service sign assemblies on appropriate approaches to an intersection or interchange.

Subd. 25. **Tourist-oriented business.** (a) "Tourist-oriented business" means a business, service, or activity that receives the major portion of its income or visitors during the normal business season from motorists not residing in the immediate area of the business or activity.

(b) "Tourist-oriented business" includes, but is not limited to (1) a greenhouse or nursery, (2) a bait and tackle shop, (3) a marina, and (4) a gift or antique shop.

History: *1980 c 413 s 1; 1981 c 55 s 1; 1984 c 417 s 7; 1988 c 595 s 1,2; 1989 c 181 s 1,2; 1995 c 207 art 9 s 60; 1996 c 456 s 1-8; 1997 c 143 s 2; 2001 c 213 s 1*

160.293 SPECIFIC SERVICE SIGNS; INTENDED USE.

Subdivision 1. **Purpose.** Specific service signs are to be used to create and implement a system of signing for the purpose of displaying specific service information to the traveling public on nonfreeway trunk highways in rural areas.

Subd. 2. **Signs at intersections and interchanges.** A specific service sign may be erected at the intersection or interchange of a trunk highway with a controlled-access road or a local road, and at the intersection or interchange of two trunk highways. A specific service sign may not be erected if the place of business is readily visible, if effective directional advertising is visible, or if an advertising sign can be legally and effectively located near the intersection or interchange.

Subd. 3. **Number of trunk highway intersections or interchanges.** (a) Unless otherwise provided in paragraph (b), a specific service sign for a rural agricultural or tourist-oriented business, place of worship, restaurant, motel, resort, recreational camping area, or gasoline service station or other retail motor fuel business is limited to one intersection or interchange on the trunk highway system.

(b) Specific service signs are permitted at two intersections or interchanges on the trunk highway system if the place of business is located between trunk highways and within 15 miles of each qualifying intersection or interchange.

Subd. 4. **Trailblazing.** Appropriate signing on local roads between a trunk highway intersection or interchange and a specific service shall be the responsibility of the specific service and the local road authority.

Subd. 5. **Signing standards.** Placement of specific service sign assemblies shall be in accordance with sections 160.292 to 160.296 and existing traffic-control device standards.

Subd. 6. **Rural road markings.** Rural roads, named and marked in accordance with resolutions from their road authority, shall continue to be identified.

History: *1980 c 413 s 2; 1981 c 55 s 2-4; 1984 c 417 s 8,9; 1988 c 595 s 3,4; 1989 c 181 s 3; 1991 c 16 s 1,2; 1996 c 456 s 9-12; 2016 c 98 s 1*

160.294 SPECIFIC SERVICE SIGN DETAILS.

Subdivision 1. **Construction of sign.** Specific service sign panels shall be made of reflective sheeting and shall be on blue background with white letters, arrows and border. The directional arrow and mileage shall be displayed on the same side of the panel as the direction of turn on specific service sign panels located on nonfreeway trunk highways at grade intersections and on exit ramps at interchanges located on bypasses of outstate municipalities. The specific service sign panel shall display only the name or optional business panel, or both, when installed on nonfreeway trunk highways at interchanges located on bypasses of outstate municipalities.

Subd. 1a. **Business panels.** Business panels shall be made of reflective sheeting and shall not resemble a traffic sign, signal, or device. The business' trademark, symbol, or logo shall be consistent on all business panels for a specific business. The business panel shall not include any supplemental messages or additional verbiage.

Subd. 2. **Specific service sign assemblies.** No specific service sign or assembly shall be placed at a location that will interfere with other necessary signing as determined by the commissioner of transportation.

History: *1980 c 413 s 3; 1996 c 456 s 13-15*

160.295 CRITERIA FOR SPECIFIC SERVICE SIGNS.

Subdivision 1. **Conformity with law.** A specific service identified on a specific service sign shall be in conformity with all applicable laws and rules concerning the provisions for public accommodation without regard to race, religion, color, sex or national origin.

Subd. 2. **Distance to specific service.** A specific service sign may be placed on a nonfreeway trunk highway if the specific service is located within 15 miles of the qualifying site.

Subd. 3. **Motel, restaurant, and resort.** Motels, restaurants, and resorts served by the specific service signing shall be licensed by the state Department of Health as required by section 157.16.

Subd. 4. **Recreational camping area.** Recreational camping areas shall possess a state Department of Health license as required by section 327.15 and the following:

(1) a minimum of 15 camping spaces;

(2) modern sanitary facilities (flush, chemical, or incinerator toilets) and drinking water; and

(3) services available 24 hours a day.

Subd. 5. **Rural agricultural business or tourist-oriented business.** A rural agricultural or tourist-oriented business must be open a minimum of eight hours per day, six days per week, and 12 months per year.

However, a seasonal business may qualify if it is open eight hours per day and six days per week during the normal seasonal period.

History: *1980 c 413 s 4; 1981 c 55 s 5; 1984 c 417 s 10,11; 1985 c 248 s 70; 1988 c 595 s 5; 1989 c 181 s 4; 1996 c 451 art 4 s 70; 1996 c 456 s 16*

160.296 SPECIFIC SERVICE SIGNS; ADMINISTRATION; RULES.

Subdivision 1. **Procedure.** (a) A person who desires a specific service sign panel shall request the commissioner of transportation to install the sign. The commissioner of transportation may grant the request if the applicant qualifies for the sign panel and if space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the commissioner of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing.

(b) If the applicant desires to display a business panel, the business panel for each specific service sign panel shall be supplied by the applicant. All costs to fabricate business panels shall be paid by the applicant. All business panels shall be installed and removed by the appropriate road authority. The costs for installing and removing business sign panels on specific service signs located on nonfreeway trunk highways are included in the fee specified in paragraph (a). If a business panel is stolen or damaged beyond repair, the applicant shall supply a new business panel paid for by the applicant.

Subd. 2. **Seasonal services.** All sign panels for seasonal services shall be covered or removed when the service is not available.

Subd. 3. **Communications.** Any new or participating specific service business shall respond to any communication from the commissioner of transportation within 30 days or an in place sign panel will be removed.

Subd. 4. **Sign removal.** The specific service sign panels shall be removed by the commissioner of transportation if any of the requirements in sections 160.292 to 160.296 are not continually met.

History: *1980 c 413 s 5; 1996 c 456 s 17; 1998 c 403 s 7*

160.297 OTHER SIGN LAWS.

Sections 160.292 to 160.296 provide additional authority to erect signs on nonfreeway trunk highways and do not limit the authority to erect highway signs provided by other law or rule.

History: *1980 c 413 s 6; 1996 c 456 s 18*

160.298 HIGHWAY SIGN PROGRAM; BILLING, ACCOUNT, APPROPRIATION.

The commissioner of transportation may bill highway operations units of the department and local road authorities for the costs of a centrally managed highway sign program. These costs may include equipment acquisition and rental, labor, materials, and other costs as determined by the commissioner. Receipts must be credited to a special account, which is established in the trunk highway fund, and are appropriated to the commissioner to pay the costs for which the billings are made. Amounts credited to the account are exempt from statewide and agency indirect costs payments.

History: *1Sp2005 c 6 art 3 s 3*

160.30 MS 1953 [Repealed, 1957 c 943 s 72]

160.301 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.31 MS 1953 [Repealed, 1957 c 943 s 72]

160.311 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.32 MS 1953 [Repealed, 1957 c 943 s 72]

160.321 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.33 MS 1953 [Repealed, 1957 c 943 s 72]

160.331 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.34 MS 1953 [Repealed, 1957 c 943 s 72]

160.341 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.35 MS 1953 [Repealed, 1957 c 943 s 72]

160.351 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.36 MS 1953 [Repealed, 1957 c 943 s 72]

160.361 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.37 MS 1953 [Repealed, 1957 c 943 s 72]

160.371 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.38 MS 1953 [Repealed, 1957 c 943 s 72]

160.381 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.39 MS 1953 [Repealed, 1957 c 943 s 72]

160.391 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.40 MS 1953 [Repealed, 1957 c 943 s 72]

160.401 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.41 MS 1953 [Repealed, 1957 c 943 s 72]

160.411 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.42 MS 1953 [Repealed, 1957 c 943 s 72]

160.421 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.43 MS 1953 [Repealed, 1957 c 943 s 72]

160.431 MS 1953 [Repealed, 1957 c 943 s 72]

160.432 MS 1945 [Repealed, 1949 c 672 s 7]

160.433 MS 1953 [Repealed, 1957 c 943 s 72]

160.435 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.44 MS 1953 [Repealed, 1957 c 943 s 72]

160.441 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.45 MS 1953 [Repealed, 1957 c 943 s 72]

160.451 MS 1957 [Renumbered 161.115]

160.46 MS 1953 [Repealed, 1957 c 943 s 72]

160.461 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.47 MS 1953 [Repealed, 1957 c 943 s 72]

160.471 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.475 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.48 MS 1953 [Repealed, 1957 c 943 s 72]

160.481 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.49 MS 1953 [Repealed, 1957 c 943 s 72]

160.491 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.50 MS 1953 [Repealed, 1957 c 943 s 72]

160.501 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.51 MS 1953 [Repealed, 1957 c 943 s 72]

160.511 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.512 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.513 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.52 MS 1953 [Repealed, 1957 c 943 s 72]

160.521 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.53 MS 1953 [Repealed, 1957 c 943 s 72]

160.531 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.54 MS 1953 [Repealed, 1957 c 943 s 72]

160.541 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.55 MS 1953 [Repealed, 1957 c 943 s 72]

160.551 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.56 MS 1953 [Repealed, 1957 c 943 s 72]

160.561 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.57 MS 1953 [Repealed, 1957 c 943 s 72]

160.571 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.58 MS 1953 [Repealed, 1957 c 943 s 72]

160.581 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.59 MS 1953 [Repealed, 1957 c 943 s 72]

160.591 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.60 MS 1953 [Repealed, 1957 c 943 s 72]

160.601 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.61 [Renumbered 169.901]

160.611 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.62 MS 1953 [Repealed, 1957 c 943 s 72]

160.621 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.63 MS 1953 [Repealed, 1957 c 943 s 72]

160.631 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.64 MS 1953 [Repealed, 1957 c 943 s 72]

160.641 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.65 MS 1953 [Repealed, 1957 c 943 s 72]

160.651 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.66 MS 1953 [Repealed, 1957 c 943 s 72]

160.661 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.67 MS 1953 [Repealed, 1957 c 943 s 72]

160.671 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.68 MS 1953 [Repealed, 1957 c 943 s 72]

160.681 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.69 MS 1953 [Repealed, 1957 c 943 s 72]

160.691 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.692 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.70 MS 1953 [Repealed, 1957 c 943 s 72]

160.701 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.702 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

160.80 SIGN FRANCHISE PROGRAM.

Subdivision 1. **Commissioner may establish program.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, lodging, attractions, and 24-hour pharmacies for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways.

Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

(1) be open for business;

(2) have a sign on site that both identifies the business and is visible to motorists;

(3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability; and

(4) meet the appropriate criteria in paragraphs (b) to (k).

(b) Gas businesses must provide vehicle services including gas or alternative fuels and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least six days per week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; provide restroom facilities; provide public access to a telephone; and possess any required state or local licensing or approval. Seasonal food service businesses must provide a continuous, staffed food service operation serving at least two meals per day six days per week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, provide restroom facilities, and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide sanitary facilities and drinking water, and possess any required state or local licensing or approval.

(f) 24-hour pharmacy businesses must be continuously operated 24 hours per day, seven days per week, and must have a state-licensed pharmacist present and on duty at all times.

(g) Attractions businesses must have regional significance with the primary purpose of providing amusement, historical, cultural, or leisure activities to the public; provide restroom facilities and drinking water; possess any required state or local licensing approval; and provide adequate bus and vehicle parking accommodations for normal attendance.

(h) Seasonal businesses must indicate to motorists when they are open for business by putting the months of operation directly on the business panel.

(i) The maximum distance that an eligible business in an urban area can be located from the interchange is: for gas, food, lodging, attractions, and 24-hour pharmacy businesses, three miles; and for camping businesses, ten miles.

(j) The maximum distance that an eligible business in a rural area can be located from the interchange shall not exceed 15 miles in either direction, except the maximum distance that an eligible 24-hour pharmacy business can be located from the interchange shall not exceed three miles in either direction.

(k) If there is available space on a logo sign panel and no application has been received by the franchise from a fully eligible business, a substantially eligible business may be allowed the space.

Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies for the general public, and lease advertising space on the signs to operators of these facilities.

Subd. 3. **Costs.** All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. **Contract requirements.** (a) All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

(b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. **Restrictions.** The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Subd. 6. MS 1986 [Repealed, 1988 c 629 s 64]

History: *1984 c 417 s 12; 1986 c 444; 1993 c 128 s 1; 1998 c 403 s 8,9; 2005 c 120 s 1; 2005 c 135 s 1; 2008 c 287 art 1 s 7; 2009 c 86 art 1 s 23; 2013 c 127 s 2-4*

160.801 HIGHWAY SPONSORSHIP PROGRAM.

Subdivision 1. **Sponsorship program.** (a) The commissioner is authorized to establish a program designed to encourage businesses, civic groups, or individuals to voluntarily assist with the improvement and maintenance of real property comprising the trunk highway system, including bicycle and pedestrian trails, roadside monuments, and historic sites.

(b) All support provided by volunteers or vendors must be carried out in a manner consistent with construction and maintenance plans approved by the commissioner after consultation with the volunteers.

(c) The commissioner may provide assistance to (1) enhance volunteer safety, and (2) facilitate the implementation and administration of the sponsorship program.

Subd. 2. **Agreements.** The commissioner may enter into volunteer agreements with businesses, civic groups, or individuals to support, maintain, and make improvements to real property included in the trunk highway system. Agreements under this section are not subject to section 161.32.

Subd. 3. **Support activities.** (a) The volunteer support activities include but are not limited to:

(1) work to create, protect, and enhance pollinator habitat along highway rights-of-way;

(2) work to pick up litter along roadsides;

(3) work to install enhancements, including landscaping materials, on trunk highway property;

(4) financial support provided to the department for specific roadside improvements;

(5) financial support consisting of the sponsor hiring a professional landscape contractor to install vegetation, maintain landscape plantings, or pick up litter, or for other similar activities along a selected area of highway right-of-way; or

(6) installation of features that enhance the aesthetics of trunk highway property or the amenities available to highway users.

(b) All volunteer support activities must have prior commissioner approval.

Subd. 4. **Acknowledgment of sponsors.** The commissioner may erect signs to publicly recognize and express appreciation to businesses, civic groups, and individuals that provide volunteer funding or services under the sponsorship program.

Subd. 5. **Highway sponsorship program account; appropriation.** Funds received under this section must be deposited in the highway sponsorship program account, which is created in the special revenue fund. The account consists of funds as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account. Funds in the account are annually appropriated to the commissioner for the purpose specified in the volunteer agreement.

Subd. 6. **Prohibition.** The commissioner must not take action under this section that would result in the loss of federal highway funds or require payment of highway funds to the federal government.

History: *1Sp2017 c 3 art 3 s 17*

160.802 AUTOMATIC EXTERNAL DEFIBRILLATOR WAYFINDING SIGNS.

(a) For purposes of this section, "public access automatic external defibrillator" and "public access AED" have the meaning given in section 403.51, subdivision 1, paragraph (e).

(b) A location or business with an outdoor public access automatic external defibrillator may request that a relevant road authority place appropriate directional signage on a road under the road authority's jurisdiction that clearly identifies the location of the automatic external defibrillator available for public use. The signage must promote the availability of a public access AED by either symbol, text, or both.

(c) To qualify as a participant and request directional signage under this section, a property owner, business, or entity with an outdoor public access AED must:

(1) meet all registration, notice, and inspection requirements provided in section 403.51;

(2) place the device in a recognizable and easily accessible location; and

(3) identify the device with conspicuous and visible signage on the premises.

(d) Within 180 days, and to the extent practicable within 60 days, of receiving a request from a qualified participant under paragraph (c), the relevant road authority must determine a suitable location and appropriate number of signs and must place directional signage for the public access AED only within the relevant road authority's jurisdiction as provided under this section. All costs associated with installation, maintenance, and removal of signage must be paid by a qualified participant to the relevant road authority.

(e) If a registered outdoor public access AED is removed or no longer operational, the qualified participant must inform the relevant road authority immediately to remove the directional signage as soon as practicable.

(f) The commissioner must maintain information on the department's website about outdoor public access AED directional signage, including but not limited to qualifications for a sign under this section; device registry information; and guidance for local road authorities on appropriate sign placement and context.

History: *2025 c 28 s 1*

160.805 CERTAIN HIGHWAY DESIGNATIONS.

Subdivision 1. **Sign requirements; costs.** (a) A road authority must design and erect signs to mark or memorialize a highway or bridge that is under the road authority's jurisdiction and designated under this section. The requirement under this paragraph applies once the road authority identifies money from nonpublic sources sufficient to pay all costs related to designing, erecting, and maintaining the signs.

(b) The commissioner must act as a fiscal agent to provide for management and distribution of nonpublic money received under this section. The money collected is appropriated to the commissioner for distribution to the appropriate road authority for costs related to designing, erecting, and maintaining the signs.

Subd. 2. **Sign requirements; removal.** A road authority may remove a sign erected under this section if:

(1) the sign requires maintenance, repair, or replacement;

(2) the road authority, in consultation with the commissioner, has made a reasonable effort to obtain money for maintenance, repair, or replacement from nonpublic sources; and

(3) the money obtained under clause (2) is insufficient to pay all related costs.

Subd. 3. **Master Sergeant Nicole Amor Memorial Highway.** That segment of Ramsey County State-Aid Highway 96 from marked U.S. Highway 61 to marked Interstate Highway 35E in Ramsey County is designated as "Master Sergeant Nicole Amor Memorial Highway."

History: *2026 c 94 s 1*

ROADS IN SCENIC OR RECREATIONAL AREAS

160.81 HIGHWAYS IN SCENIC AREAS.

Subdivision 1. **Joint standards.** The commissioner of transportation, in consultation with the commissioner of natural resources, shall establish standards for trunk highway segments located in areas of unusual scenic interest. The standards shall:

(1) establish and ensure that the safety of the traveling public is maintained or enhanced;

(2) define "areas of unusual scenic interest," which must include major recreational areas, historic areas, and major publicly and privately owned tourist attractions;

(3) prescribe standards for right-of-way, shoulders, and parking areas for trunk highway segments in such areas; and

(4) prescribe standards for scenic overlooks, parking piers and other parking areas, tourist information facilities, public water access points and other facilities intended to expand the recreational use of trunk highway segments in such areas.

Subd. 2. **Plan.** The commissioner of transportation, in consultation with the commissioner of natural resources, shall prepare a plan for the recreational uses of trunk highway right-of-way and adjacent public land in areas of unusual scenic interest. The plan must ensure that the safety of the traveling public is maintained or enhanced. The plan must provide for the enhancement of such recreational uses by the construction of new recreational facilities or the improvement or rehabilitation of existing recreational facilities, as enumerated in subdivision 1, clause (4). The plan must provide for joint development of these facilities by the Departments of Transportation and Natural Resources, where feasible, and must contain provisions permitting local units of government and regional development commissions to participate in the planning and development of recreational facilities.

Subd. 3. **Recreational facilities.** The commissioner of transportation may, in areas of unusual scenic interest:

(1) construct, improve, and maintain recreational facilities, including parking areas, scenic overlooks, and tourist information facilities, on trunk highway right-of-way and adjacent areas; and

(2) construct, improve, and maintain access ramps and turnoffs to connect trunk highways with recreational land owned by the Department of Natural Resources.

Subd. 4. MS 1986 [Repealed, 1987 c 321 s 8]

History: *1986 c 454 s 4; 1987 c 321 s 1; 1994 c 635 art 1 s 2; 2005 c 120 s 1; 2005 c 135 s 1*

160.82 PARK ROADS.

Subdivision 1. **Definition.** "Park road" means that portion of a street or highway located entirely within the park boundaries of a city, county, regional, or state park.

Subd. 2. **Restrictions.** A road authority may not make a change in the width, grade, or alignment of a park road that would affect the wildlife habitat or aesthetic characteristics of the park road or its adjacent vegetation or terrain, unless:

(1) the change is required to permit the safe travel of vehicles at the speed lawfully designated for the park road, in which case the change must be made; or

(2) if the road is a county state-aid highway or municipal state-aid street, the change is required by the minimum state-aid standard applicable to the road.

Subd. 3. **Liability.** (a) A road authority and its officers and employees, are exempt from liability for any tort claim for injury to persons or property arising from travel on a park road and related to the design of the park road, if:

(1) the design is adopted to conform to subdivision 2;

(2) the design is not grossly negligent; and

(3) if the park road is a county state-aid highway or municipal state-aid street, the design complies with the minimum state-aid standard applicable to the road.

(b) This subdivision does not preclude an action for damages arising from negligence in the construction, reconstruction, or maintenance of a park road.

History: *1991 c 298 art 4 s 2; 1994 c 635 art 1 s 3*

160.83 RUSTIC ROADS PROGRAM.

Subdivision 1. **Definition.** A "rustic road" is a road that is not on the state-aid system that has the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.

Subd. 2. **Local authority.** A road authority other than the commissioner may, by resolution, designate a road or highway under its jurisdiction a rustic road and the road authority may designate the type and character of vehicles that may be operated on the rustic road; designate the road or a portion of the road as a pedestrian way or bicycle way, or both; and establish priority of right-of-way, paint lines, and construct dividers to physically separate vehicular, bicycle, or pedestrian traffic.

Subd. 3. **Joint designation.** Two or more road authorities may jointly designate a rustic road along a common boundary or into or through their jurisdictions. The road authorities may enter into agreements to divide the costs and responsibility for maintaining the rustic road.

Subd. 4. **Costs.** A rustic road must be maintained by the road authority having jurisdiction over the road and is not eligible for state-aid funding. State money must not be spent to construct, reconstruct, maintain, or improve a rustic road.

Subd. 5. **Liability.** (a) A rustic road may be maintained at a level less than the minimum standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve anticipated traffic volumes. Where a road has been designated by resolution as a rustic road and speed limits have been posted under subdivision 1, 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 rustic road related to its maintenance, design, or condition if:

(1) the maintenance, design, or condition is consistent with the anticipated use as described in subdivision 2; and

(2) the maintenance, design, or condition is not grossly negligent.

(b) Nothing in this subdivision exempts a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

History: *1991 c 298 art 4 s 3; 1996 c 455 art 3 s 2*

TOLL FACILITIES

160.84 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 160.84 to 160.98 have the meanings given them in this section and section 160.02.

Subd. 2. **BOT facility.** "BOT facility" means a build-operate-transfer toll facility developed, financed, designed, constructed, improved, rehabilitated, and operated by a private operator who holds title to the facility subject to a development agreement providing that title will be transferred to the road authority on expiration of an agreed term.

Subd. 3. **BTO facility.** "BTO facility" means a build-transfer-operate toll facility developed, financed, designed, constructed, improved, or rehabilitated by a private operator who: (1) transfers any interest it may have in the toll facility to the road authority before operation begins; and (2) operates the toll facility for an agreed term under a lease, management, or toll concession agreement.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subd. 5. **Development agreement.** "Development agreement" means a written agreement between a road authority and a private operator that provides for the development, financing, design, construction, improvement, rehabilitation, ownership, and operation of a toll facility.

Subd. 6. **Metropolitan area.** "Metropolitan area" has the meaning given it in section 473.121, subdivision 2.

Subd. 7. **Private operator.** "Private operator" means an individual, corporation, partnership, cooperative or unincorporated association, joint venture, or consortium that develops, finances, designs, constructs, improves, rehabilitates, owns, or operates a toll facility subject to sections 160.84 to 160.92.

Subd. 8. **Road authority.** "Road authority" has the meaning given it in section 160.02, subdivision 25, and also refers to a joint powers authority formed under section 160.91.

Subd. 9. **Toll facility.** "Toll facility" means a bridge, causeway, or tunnel, and its approaches; a road, street, or highway; an appurtenant building, structure, or other improvement; land lying within applicable rights-of-way; and other appurtenant rights or hereditaments that together comprise a project for which a road authority or private operator is authorized to develop, finance, design, operate, and impose tolls under sections 160.84 to 160.92.

History: *1993 c 211 s 1; 2008 c 152 art 6 s 1*

160.845 RESTRICTIONS ON TOLL FACILITY.

(a) A road authority, including the governing body of a city, or a private operator may not convert, transfer, or utilize any portion of a highway to impose tolls or for use as a toll facility. A road authority, including the governing body of a city, or a private operator may not limit operation of a commercial motor

vehicle, as defined in section 169.011, subdivision 16, to a toll facility or otherwise require that a commercial motor vehicle use the tolled portion of a highway.

(b) This section does not apply to (1) any toll facility or high-occupancy vehicle lane constructed, converted, or established before September 1, 2007, (2) any additional lane, including a priced dynamic shoulder lane, high-occupancy vehicle lane, or high-occupancy toll lane, added to a highway after September 1, 2007, and (3) any other general purpose lane that adds capacity.

History: *2008 c 152 art 6 s 2*

160.85 AUTHORITY FOR TOLL FACILITY.

Subdivision 1. **Road authority.** A road authority may solicit or accept proposals from and enter into development agreements with private operators for developing, financing, designing, constructing, improving, rehabilitating, owning, and operating toll facilities wholly or partly within the road authority's jurisdiction. If a road authority solicits toll facility proposals, it must publish a notice of solicitation in the State Register.

Subd. 2. **Private operators.** Private operators are authorized to develop, finance, design, construct, improve, rehabilitate, own, and operate toll facilities subject to the terms of sections 160.84 to 160.92. Private operators may mortgage, grant security interests in, and pledge their interests in: (1) toll facilities and their components; (2) development, lease, management, toll concessions, and other related agreements; and (3) income, profits, and proceeds of the toll facility.

Subd. 3. **Approval.** No road authority and private operator may execute a development agreement without the approval of the final agreement by the commissioner. A road authority and private operator in the metropolitan area must obtain the approvals required in sections 161.162 to 161.167 and 473.166. Except as otherwise provided in sections 161.162 to 161.167, the governing body of a county or municipality through which a facility passes may veto the project within 30 days of approval by the commissioner.

Subd. 3a. **Information meeting.** Before approving or denying a development agreement, the commissioner shall hold a public information meeting in any municipality or county in which any portion of the proposed toll facility runs. The commissioner shall determine the time and place of the information meeting.

Subd. 4. **Development agreement.** (a) A development agreement for toll facilities may provide for any mode of ownership or operation approved by the road authority, including ownership by the private operator with or without reversion of title, operation of the facilities under leases or management contracts, toll concessions, or BOT or BTO facilities.

(b) A development agreement may permit the private operator to assemble funds from any available source and to incorporate an existing road or highway, bridge, and approach structures, and related improvements, into the toll facility. The agreement must provide the terms and conditions of the incorporation.

(c) A development agreement may include grants of title, easements, rights-of-way, and leasehold estates necessary to the toll facility.

(d) A development agreement may authorize the private operator to charge variable rate tolls based on time of day, vehicle characteristics, or other factors approved by the road authority.

(e) A development agreement may provide for maintenance, snow removal, and police standards that exceed the standards of the road authority for facilities of the same functional classification.

(f) A development agreement may include authorization by the road authority to the private operator to exercise powers possessed by the road authority for similar facilities.

Subd. 5. **Right-of-way acquisition.** A private operator may acquire right-of-way by donation, lease, or purchase. A road authority may acquire right-of-way by eminent domain and may donate, sell, or lease a right-of-way to a private operator.

Subd. 6. **Restriction.** No toll facility may be used for any purpose other than the purposes specified in the development agreement for the term of the agreement.

Subd. 7. **Toll facility acquired by road authority.** A development agreement that requires transfer or reversion of a toll facility to a road authority must provide the terms and conditions of the transfer or reversion. The facility shall meet at least the maintenance standards of the road authority for facilities of the same functional classification during the term of the agreement.

Subd. 8. **Application of other law.** A private operator must have environmental, navigational, design, or safety approvals as if the toll facility were constructed or operated by a road authority.

History: *1993 c 211 s 2; 1996 c 455 art 3 s 3; 2001 c 191 s 1*

160.86 TOLL FACILITY DEVELOPMENT AGREEMENT; REQUIREMENTS.

A development agreement must include the following provisions:

(a) The toll facility must meet the road authority's standards of design and construction for roads and bridges of the same functional classification.

(b) The commissioner must review and approve the location and design of a bridge over navigable waters as if the bridge were constructed by a road authority. This requirement does not diminish the private operator's responsibility for bridge safety.

(c) The private operator shall manage and operate the toll facility in cooperation with the road authority and subject to the development agreement.

(d) The toll facility is subject to regular inspections by the road authority and the commissioner.

(e) The agreement must provide the terms and conditions of maintenance, snow removal, and police services to the toll facility. The road authority must provide the services. The services must meet at least the road authority's standards for facilities of the same functional classification.

(f) The agreement must establish a reasonable rate of return on investment and capital during the term of the agreement.

History: *1993 c 211 s 3*

160.87 TOLL FACILITY COST RECOVERY.

Subdivision 1. **Use of toll revenues.** Toll revenues must be applied to repayment of indebtedness incurred for the toll facility; payments to a road authority under the development agreement or a related lease, management, or toll concession agreement; costs of operation necessary to meet applicable standards of the road authority; and reasonable reserves for future capital outlays. The enumeration of uses in this subdivision does not state priorities for the use of these revenues.

Subd. 2. **Residual toll revenues.** Residual toll revenues after the payments specified in subdivision 1 are made belong to the private operator.

Subd. 3. **Continuation of tolls.** After expiration of a lease for a BTO facility, or after title has reverted for a BOT facility, the road authority may continue to charge tolls for the facility.

History: *1993 c 211 s 4*

160.88 PUBLIC TOLL FACILITIES.

A road authority may develop, finance, design, construct, improve, rehabilitate, own, and operate a toll facility.

History: *1993 c 211 s 5*

160.89 TOLL FACILITY REVENUE BONDS.

To provide money to acquire, develop, finance, design, construct, improve, rehabilitate, and operate a toll facility and to establish a reserve for bonds issued under this section, the commissioner of management and budget, or a road authority by resolution of its governing body, may authorize, issue, and sell revenue bonds payable solely from all or a portion of the revenues derived from a toll facility, including any payments agreed to be made by a private operator. The bonds may be additionally secured by a mortgage of all or any portion of a toll facility or other property of the private operator. The bonds shall mature, bear the date or dates, bear interest at the rate or rates, be in denomination or denominations, be executed in the manner, be payable in such manner and be subject to redemption, with or without premium as may be provided by the resolution authorizing their issuance or any trust indenture approved by the governing body of the road authority. The bonds may be sold at private sale at the price approved pursuant to the authorizing resolution. The bonds must contain a recital that they are issued in aid of a toll facility under this section and the recital is conclusive evidence of the validity and enforceability of the bonds and the security for the bonds. Neither the road authority nor any director, commissioner, council member, officer, employee, or agent of the road authority is personally liable on the bonds by reason of their issuance. The road authority may make covenants it considers necessary to secure payment of the bonds, including, without limitation, establishing and maintaining reserves, and imposing and collecting tolls and other charges for use of the facility to provide net revenues adequate to provide for principal and interest on the bonds, and providing for the operation of the toll facility. The bonds must not be payable from nor a charge against any funds of the road authority other than the revenues or property pledged or mortgaged to secure their payment. The road authority is not subject to any liability on the bonds and it does not have any power to obligate itself to pay the bonds from funds other than the revenues and properties pledged and mortgaged. No holder or holders of the bonds has the right to compel any exercise of taxing power of the road authority or any other public body, other than as authorized by and pledged pursuant to this section, to pay the principal of or interest on the bonds, nor to enforce payment of the bonds against any property of the road authority or other public body other than that expressly pledged or mortgaged for payment; and the bonds must so state. Bonds payable from the net revenues of a toll facility and property pledged under this section are considered payable wholly from the income of a revenue-producing convenience within the meaning of chapter 475. Sections 474A.01 to 474A.21 apply to any issue of obligations under this section that are subject to limitation under a federal volume limitation act or existing federal tax law as defined in section 474A.02, subdivision 8.

History: *1993 c 211 s 6; 2009 c 101 art 2 s 109*

160.90 LAW ENFORCEMENT ON TOLL FACILITIES.

State and local law enforcement authorities have the same powers and authority on a toll facility within their respective jurisdictions as they have on any other highway, road, or street within their jurisdiction. Law enforcement officers have free access to the toll facility at any time to exercise those powers. State and local traffic and motor vehicle laws apply to persons driving or occupying motor vehicles on the toll facility.

History: *1993 c 211 s 7*

160.91 JOINT AUTHORITY OVER TOLL FACILITY.

Two or more road authorities with jurisdiction over a toll facility may enter into a joint powers agreement under section 471.59, to exercise the powers, duties, and functions of the road authorities related to the toll facility, including negotiation and administration of the development agreement and related lease, management, and toll concession agreements. If all road authorities with jurisdiction over a toll facility concur, title to or authority over the facility may be tendered to the commissioner who may accept the title or authority pursuant to the development agreement and this section.

History: *1993 c 211 s 8*

160.92 TOLL FACILITY REPLACEMENT PROJECTS.

When a highway project in the metropolitan area has been scheduled in the department's six-year work program but is designated as a toll facility, the commissioner shall substitute in the work program a similar highway project in the metropolitan area.

History: *1993 c 211 s 9*

HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES

160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.

Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to individuals traveling in a trunk highway corridor, the commissioner of transportation may charge user fees to owners or operators of single-occupant vehicles using dynamic shoulder lanes as designated by the commissioner and any designated high-occupancy vehicle lanes. The fees may be collected using electronic or other toll-collection methods and may vary in amount with the time of day and level of traffic congestion within the corridor. The commissioner shall consult with the Metropolitan Council and obtain necessary federal authorizations before implementing user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this section are not subject to section 16A.1283.

Subd. 2. **Deposit of revenues; appropriation.** (a) Except as provided in subdivision 2a, money collected from fees authorized under subdivision 1 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue fund. A separate account must be established for each trunk highway corridor. Money in the account is appropriated to the commissioner.

(b) From this appropriation the commissioner shall first repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing and administering the fee collection system for that corridor.

(c) The commissioner shall spend remaining money in the account as follows:

(1) one-half must be spent for transportation capital improvements within the corridor; and

(2) one-half must be transferred to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.

Subd. 2a. **I-35W high-occupancy vehicle and dynamic shoulder lane account.** (a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to $1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of $1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections 160.84 to 160.92 and 161.162 to 161.167.

Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance with the requirements of the commissioner. A person who violates this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor traffic offense. Upon approval of the Federal Highway Administration, this subdivision does not apply on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders as defined in section 169.011, subdivision 74. The commissioner may prescribe the conditions under which the lanes may be used.

(b) The commissioner may not operate a dynamic shoulder lane on marked Trunk Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along this portion of marked Trunk Highway 35W may only be used by:

(1) a vehicle with more than one occupant;

(2) a single-occupant vehicle if the fee under subdivision 1 is paid;

(3) a transit bus providing public transportation, as defined in section 174.22, subdivision 7; and

(4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.

(c) The commissioner shall erect signs to indicate when the lanes may be used.

History: *1Sp2003 c 19 art 2 s 7; 2008 c 306 s 2; 1Sp2021 c 5 art 4 s 10; 2024 c 104 art 2 s 15*

160.98 PROHIBITION ON ROAD AND BRIDGE PRIVATIZATION.

A road authority may not sell, lease, execute a development agreement for a BOT facility or BTO facility that transfers an existing highway lane, or otherwise relinquish management of a highway, if the highway is retained or utilized by the buyer, lessor, or operator for highway purposes. Nothing in this section prevents sale, reconveyance, or easements under section 160.274, 161.23, 161.41, 161.411, 161.431, 161.44, 161.442, or any other similar provision.

History: *2008 c 152 art 6 s 3*