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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3211

February 19, 2008

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The bill was read for the first time and referred to the Transportation Finance Division

1.1 A bill for an act
1.2 relating to transportation; requiring commissioner of transportation to adhere to
1.3 statewide snow removal standards on trunk highways; limiting closure of trunk
1.4 highways; prohibiting use of flashing lights; limiting commissioner's right to
1.5 civil damages for rescue; reclassifying crime of passing barricade on closed trunk
1.6 highway as petty misdemeanor; amending Minnesota Statutes 2006, sections
1.7 160.27, subdivisions 8, 9; 160.2715.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2006, section 160.27, subdivision 8, is amended to read:

1.10 Subd. 8. **Trunk highway closure; authority, notice, civil penalty.** (a) The
1.11 commissioner may restrict the use of, or close, any state trunk highway for the protection
1.12 and safety of the public or for the protection of the highway from damage during and after
1.13 storms if there is danger of the road becoming impassable or if visibility is so limited that
1.14 safe travel is unlikely. The commissioner may not restrict the use of or close a trunk
1.15 highway under this paragraph beyond the expiration of the target range of time for snow
1.16 removal established by the department. All roads with the same functional classification
1.17 must be subject to the same target range for snow removal, regardless of the location of
1.18 the road within the state.

1.19 (b) To notify the public that a trunk highway is closed or its use restricted, the
1.20 commissioner may not utilize signs with flashing lights, but shall give notice by one or
1.21 more of the following methods:

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

2.1 (4) place personnel to warn, detour, direct, or otherwise control traffic on the
2.2 highway.

2.3 Sec. 2. Minnesota Statutes 2006, section 160.27, subdivision 9, is amended to read:

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

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

2.18 (c) A civil action may be maintained by a state agency or political subdivision for
2.19 rescue costs following a snowstorm only if snow was removed and the trunk highway
2.20 reopened within the target range of time for snow removal established by the department
2.21 for the highway's functional classification.

2.22 Sec. 3. Minnesota Statutes 2006, section 160.2715, is amended to read:

2.23 **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

2.24 (a) Except for the actions of the road authorities, their agents, employees,
2.25 contractors, and utilities in carrying out their duties imposed by law or contract, and
2.26 except as herein provided, it shall be unlawful to:

2.27 (1) obstruct any highway or deposit snow or ice thereon;

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

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

2.33 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway
2.34 or road, except as may be allowed by permit from the road authority imposing reasonable

3.1 regulations as are necessary to prevent interference with the construction, maintenance,
3.2 and safe use of the highway or road and its appurtenances;

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

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

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

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

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

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

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

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

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

3.20 (14) drive over, through, or around any barricade, fence, or obstruction erected for
3.21 the purpose of preventing traffic from passing over a portion of a highway closed to public
3.22 travel or to remove, deface, or damage any such barricade, fence, or obstruction.

3.23 (b) Any violation of this section is a misdemeanor, except that a violation of
3.24 paragraph (a), clause (14), that consists of driving over, through, or around a barricade,
3.25 fence, or obstruction on a trunk highway closed following a snowstorm is a petty
3.26 misdemeanor.