

A Summary Discussion of Proposed Revision in Minnesota Highway Laws

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● IN 1956 THE PEOPLE of the State of Minnesota voted affirmatively on a constitutional amendment providing for a new division of highway user taxes. The amendment provided that 62 percent of the net motor-vehicle fuel taxes and motor-vehicle license taxes would be allotted to the trunk highway fund for use solely on trunk highway. Twenty-nine percent of those taxes are transferred to the county State-aid highway fund for use on the county State-aid highway system created by the amendment. The remaining 9 percent goes to the municipal State-aid street fund for use on a municipal State-aid street system in cities, villages and boroughs having a population of 5,000 or more. The municipal State-aid street system was also created by the constitutional amendment. By the provisions of the amendment the legislature may authorize the use of a part of the county State-aid fund on other highways within the State. The same is true in regard to the municipal State-aid street fund. Another provision provides that, after 1963, the legislature may set aside 5 percent of the net highway user fund and apportion it as it deems necessary to one or all of the three funds. Flexibility is thereby written into the Constitution.

The 1957 legislature passed enabling legislation for the two new systems of highways provided for in the constitutional amendment. Many other changes necessitated by the amendment were also passed by the 1957 legislature.

In addition to the changes required by this amendment, many other changes and additions were necessary. The Federal-Aid Highway Act of 1956 had already been passed by the Congress. The legislature enacted the necessary State laws to enable the State to meet the Federal requirements.

During the course of the 1957 legislative session, it became apparent to the legislators that the highway laws of Minnesota were badly in need of a general overhaul. A large portion of the present highway law was drafted and passed in 1921. No general re-codification and revision has taken place since that time. Amendments made during the 36-yr interval resulted in a patchwork set of laws. Provisions relating to the same subject matter were scattered in several different chapters. In some instances, only one provision of many similar provisions have been amended with the resulting conflict and confusion. Many provisions of the Highway Act of 1921 had become meaningless and obsolete. The legislature therefore passed an act creating an interim commission on highways.

The Highway Laws Commission, so created, was composed of seven state senators and seven state representatives. Section 2 of the Act provided:

The Commission shall make a comprehensive, detailed, and complete investigation and study of the highway laws, highway policies, and rules and regulations promulgated in furtherance of such highway laws and policies, including enabling legislation for "Amendment No. 2", and legislation relating to access control and the interstate system enacted during the 1957 legislative session.

Section 6 provides:

The Commission shall make a report to the legislature not later than the opening day of the next regular legislative session. Such report shall contain therein a draft of the bill, or bills, revising and codifying the highway laws, together with such explanation thereof as may be necessary.

Very early, the Commission realized that it would be impossible to revise and re-codify all of the highway laws of the State. It therefore concerned itself largely with six chapters of the 1957 Minnesota Statutes (160 - Roads, General Provisions; 161 - Department of Highways; 162 - County Roads; 163 - Town Roads; 164 - Bridges on Roads; and 166 - Joint Roads or Cartways). Since the laws relating to county State-aid

highways and municipal State-aid streets were incorporated in Chapter 160 by the 1957 legislature, it can be seen that the six chapters form the backbone of the Highway Laws of Minnesota.

Because of lack of time, the following chapters of Minnesota Law were not re-codified at this time: 168 - Motor Vehicles; 169 - Highway Traffic Regulations; 170 - Safety Responsibility; and 171 - Drivers Licenses. The Commission, however, recommended certain amendments to these chapters. Many of these recommendations were passed by the 1959 legislature.

Early in 1958, Louis Morony of the Automotive Safety Foundation was requested to discuss the problems of highway law revision and re-codification with the Commission. Many of his comments were used as a guide by the Commission in organizing its work.

The legislature has now met, the re-codification bill has been passed, and the result is Laws of Minnesota, 1959, Chapter 500, which is the re-codification of Chapters 160, 161, 162, 163, 164 and 166.

A few of the more important substantive changes that were recommended by the by the Interim Commission and are now passed will be discussed. All of these changes are found in Laws of Minnesota, 1959, Chapter 500.

1. The old law provided that before a trunk highway could be constructed within the limits of a city, village, or borough, the governing body of the city, village, or borough must approve the plans and specifications. This has resulted in some delays of needed improvements, but more often than not, on a give-and-take proposition, the differences have been settled. But, with the birth of the Interstate System and the high standards required by the Federal Government, the problem has become acute. Since the interstate routes in Minnesota are part of the trunk highway system, and must be a part thereof by reason of the constitution, the Interim Commission recommended that this law be revised to except from its provisions routes on the Interstate System. The provision for this exception and the conditions under which it can be exercised are to be found in Article 2, Section 17, Subdivision 2.

2. The old law did not give the Commissioner of Highways the necessary power to disseminate information regarding highway improvements and safety matters. With the rising accident rate, it is believed that such information will contribute to a safer and more convenient use of the highways. The Commission recommended such additional authority and the legislature did grant the Commissioner of Highways that authority. The provision for such authority is found in Article 2, Section 31, Subdivision 2.

3. Additional routes and amendments to existing routes on a trunk highway system were recommended and granted. Many of these are for the purpose of connecting the interstate routes with other highways so as to take full advantage of the Interstate System.

4. The Commission recommended that the Commissioner of Highways have the power to acquire an entire tract when a part of such tract is needed for highway purposes. Such excess acquisition would only be permitted if the owner consented to the excess acquisition. After construction has been completed, any excess would be sold on sealed bids to the highest responsible bidder. Included in this section is also a provision for leasing not only excess property acquired, but also a provision for leasing properties acquired in advance of actual needs. The legislature granted the Commissioner of Highways the authority which the interim Commission recommended be granted, and the provision for such authority is found in Article 2, Section 23.

5. In some areas, rural roads serving only a few properties will undoubtedly be dead-ended by the construction of the interstate routes. Some of these roads may already be a cul-de-sac at the other end by reason of topography or for some other reason. The result would be that the property owners who were served by such road would no longer have any road accessibility to their property. Damages to such properties would be considerable. The Commission recommended that in such a case, the Commissioner of Highways, in mitigation of damages, be authorized to construct a road, either within or without the limits of the trunk highway, to connect the closed off road with another public highway. The legislature granted the Commissioner of Highways

this authority, and the provision for such authority is found in Article 2, Section 24, Subdivision 2.

6. The Commission recommended that broader powers be given to the Commissioner in regard to rendering technical aid to the political subdivisions of the State. Under the old law his power was limited in this respect to counties. The legislature granted the Commissioner of Highways this authority, and the provision for such authority is found in Article 2, Section 39. In the same classification is the recommendation to authorize the State Highway Department to sell or lease sounding and testing equipment made by the Highway Department to political subdivisions of the State. The legislature granted this authority. The provision is found in Article 2, Section 42.

7. The Commission recommended that the road authorities be granted broader powers to cooperate with each other in all facets of road construction and maintenance. The legislature provided for this in Article 1, Section 21.

8. The report of the Commission contained a recommendation that the road authorities be authorized to mark the boundaries of their highways upon due notice to abutting owners. After one year, if the abutting owner does not object, the boundaries as marked will be final. If the abutting owner does object within the year limitation, provision is made for judicial determination. This recommendation was followed by the legislature, and the provision for marking boundaries is in Article 1, Section 14.

9. Town boards and county boards, although charged with the responsibility of roads and highways under their jurisdiction, could not initiate proceedings for the establishment, alteration or vacation of their respective roads or highways. They were required to wait until a petition was presented, and then act on the petition. (This was not true as regards county State-aid highways. The 1957 legislature gave the counties the power to establish, locate, alter, and vacate the county State-aid highways by resolution, subject to certain limiting provisions.) The Commission recommended that the county boards and town boards be authorized to establish, alter or vacate their respective highways by resolution. The counties were given this authority by the legislature, but the towns were not. The provision covering the counties is found in Article 4, Section 11.

As stated earlier, an attempt has been made in this summary discussion to set forth only a few of the most important substantive changes that were recommended by the Interim Commission, and were subsequently passed in whole or in part by the 1959 legislature.

It might be useful to point out that only substantive changes have been stressed in this paper. This was not the only important object that the re-codification accomplished. It also accomplished the systematic revision of six very important chapters. Obsolete, repetitious, and conflicting material has been deleted. Counsel for the Interim Commission and the man who prepared the report was Ward Gronfield, not a Special Assistant Attorney General. As Special Assistant Attorney General during the legislative session, he met before the various legislative committees to explain the changes that had been proposed. It is the feeling of the writer that he was very thorough both in preparing the report and explaining its contents to the legislature, and materially contributed to the passage of the legislation.