

Chapter 2

TRAFFIC LAWS

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CHAPTER 2 - TRAFFIC LAWS

2-1.00 INTRODUCTION

2-1.01 Purpose

The purpose of this chapter is to identify and describe the Minnesota State laws and Mn/DOT regulations which regulate traffic on Minnesota highways and therefore, govern the actions and responsibilities of traffic engineers in the State. Under Minnesota law, the regulation of traffic may be accomplished by: statute, Mn/DOT regulation, and local order, ordinance, or resolution approved by Mn/DOT. While this chapter identifies traffic laws and regulations and presents their application as related to the safe and expeditious movement of traffic, it does not purport to be a legal document, nor shall it be interpreted as such. Readers are referred to the latest official publication of the Minnesota Statutes for more complete legal information.

2-1.01.01 Laws

Both laws and regulations are principles governing actions or procedures. A law has been made obligatory and enforceable by a supreme authority or sanction. In Minnesota, "official" State laws are statutes passed by the State Legislature and approved by the Governor. They are commonly referred to as Minnesota Statutes (MS) or Minnesota Statutes Annotated (MSA).

2-1.01.02 Regulations

A regulation is a rule which may be enforced. Regulations can be established or approved only by the proper authority as provided in the law. In Minnesota, the Mn/DOT Commissioner may establish or approve regulations affecting traffic movement on Trunk Highways. Failure to conform to a regulation is a violation of law.

2-1.01.03 Common Traffic Laws and Regulations

The most common laws and regulations of concern to Mn/DOT are those regarding:

1. Signs, signals and markings.
2. Speed restrictions.
3. No passing restrictions.
4. Parking prohibitions.
5. Through highways.
6. Load limits.
7. Lane use restrictions and controls.
8. Advertising restrictions.
9. Restrictions of certain classes of traffic, along with pedestrians, bicycles, and animals.
10. Right-of-way and rules of the road.

2-1.02 Scope

Since the primary purpose of the Traffic Engineering Manual is to provide the information needed by Traffic Engineering personnel to carry out their daily duties, only those laws affecting these activities will be discussed in this chapter. Chapters 160-173 of the Minnesota Statutes include most of the State Laws affecting roads and highways in Minnesota. Chapter 169, Highway Traffic Regulation, is most important to traffic engineers and will be the primary focus of this chapter of the Traffic Engineering Manual. The KEY WORD INDEX at the end of this chapter references other laws which traffic engineers may need to refer to occasionally.

2-1.03 Chapter Organization

The following section includes a key word index of the Minnesota Statutes and a selected glossary of legal definitions. The remaining sections of the chapter will describe specific laws and regulations of concern to traffic engineers. In each of these sections the applicable law(s) and regulations will be identified, an interpretation of the law will be provided and the law's legal implications will be discussed. Where appropriate, references to other sections of the Manual will be provided. The applicable law(s) are not quoted verbatim in the interest of brevity. Readers should consult the latest official publication of the Minnesota Statutes for current and complete legal information where necessary.

2-2.00 GLOSSARY

Advertising device - any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract the attention of operators and occupants of motor vehicles and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith. MSA 173.02, Subd. 2.

Authorized Emergency Vehicle - Any of the following vehicles when equipped and identified according to law: (1) a vehicle of a fire department; (2) a publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied, with the local authority to which he is responsible; (3) a vehicle of a licensed land emergency ambulance service, whether publicly or privately owned; (4) an emergency vehicle of a municipal department or a public service corporation approved by the Commissioner of Public Safety or the Chief of Police of a municipality; (5) any volunteer rescue squad operating pursuant to Laws 1959, Chapter 53; (6) a vehicle designated as an authorized emergency vehicle upon a finding by the Commissioner of Public Safety that designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. MSA 169.01, Subd 5.

Bicycle - Every device propelled solely by human power upon which any person may ride having two tandem wheels except scooters and similar devices and including any device generally recognized as a bicycle equipped with two front or rear wheels. MSA 169.01, Subd 51.

Bicycle Lane - That portion of a roadway or shoulder designed for exclusive use or preferential use by persons using bicycles. Bicycle lanes are to be distinguished from the portion of the roadway or shoulder used for motor vehicle traffic by physical barrier, striping, marking, or other similar device. MSA 169.01, Subd. 70.

Bicycle Path - That facility designed for exclusive or preferential use by persons using bicycles and constructed or developed separately from the roadway or shoulder. MSA 169.01, Subd. 69.

Bicycle Route - A system of bikeways designated by appropriate route markers, and by the jurisdiction having authority. MN MUTCD, Section 9A-3.

It is developed by the Commissioner of Natural Resources under section 85.016. MSA 169.01, Subd. 71.

Bicycle Trail - A separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians. Where such trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space or barrier. MN MUTCD, Section 9A-3.

It is developed by the Commissioner of Natural Resources under section 85.016. MSA 169.01, Subd. 71.

Bikeway - A bicycle lane, bicycle path, or bicycle route, regardless of whether it is designed for the exclusive use of bicycles or is to be shared with other transportation modes. MSA 169.01, Subd. 72.

Bus - Every motor vehicle designed for carrying more than 15 passengers including the driver and used for the transportation of persons. MSA 169.01, Subd. 50.

Business District - The territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business. MSA 169.01, Subd. 39.

Business Sign - A separately attached sign mounted on the rectangular specific information sign panel to show the brand, symbol, logo, trademark, or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or an intersection.

Commissioner - Unless stated otherwise, "Commissioner" means the Commissioner of Transportation of this State. Regardless of the Commissioner referred to, however, the Commissioner is to be considered as acting directly or through the Commissioner's duly authorized officers and agents. MSA 169.01, Subd 21.

Controlled Access Highway - Every highway, street, or roadway in respect to which the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway. MSA 169.01, Subd. 54.

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. MSA 160.02, Subd. 12.

County Highways - 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. MSA 160.02, Subd 4.

County State-Aid Highways - All roads established in accordance with law as county state-aid highways. MSA 160.02, Subd 3.

Crosswalk - (1) That portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections; (2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. MSA 169.01, Subd. 37.

Department - Unless stated otherwise, "department" means the Department of Transportation of this State. Regardless of the department referred to, however, it is to be considered as acting directly or through its duly authorized officers and agents. MSA 169.01, Subd. 22.

Designated Bicycle Lane - A portion of a roadway which has been designated for use by bicyclists. It is distinguished from the portion of the roadway for motor vehicle traffic by a paint stripe, curb, or other similar device. MN MUTCD, Section 9A-3.

Electric-Assisted Bicycle - A motor vehicle with two or three wheels that:

1. has a saddle and fully operable pedals for human propulsion;
2. meets the requirements of federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.01 et seq.; and
3. has an electric motor that has a power output of not more than 1,000 watts, is incapable of propelling the vehicle at a speed of more than 20 miles per hour, is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and disengages or ceases to function when the vehicle's brakes are applied. MSA 169.01, Subd. 4b.

Expressway - A divided highway with partial control of access and generally with grade separations at major intersections.

Freeway - A divided highway with full control of access with grade-separated interchanges at all access points. A "freeway" may be designated "Interstate" or "non-Interstate."

Intersection - (a) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. MSA 169.01, Subd. 36.

Laned Highway - A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. MSA 169.01, Subd. 34.

Local Authority - Every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State, and the Regents of the University of Minnesota, with reference to property owned, leased, or occupied, by the Regents of the University of Minnesota, or the University of Minnesota. MSA 169.01, Subd 28.

Logo - A single or multicolored symbolic design unique to a product, a business or a service facility; a national, regional or local commercially recognized pictorial reference to a specific product, service or business used as a means of identification of a business's products, services or of the business itself.

Maximum Speed Limit - The limit above which any speed is automatically unlawful. It is an absolute limit, which may not be legally exceeded under any circumstances.

Motorized Bicycle - A bicycle that is propelled by a motor of a piston displacement of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. "Motorized bicycle" includes an electric-assisted bicycle as defined in subdivision 4b. MSA 169.01, Subd. 4a.

Municipal State-Aid Street - Any street within a city having a population of 5,000 or more, established in accordance with law as municipal state-aid streets. MSA 160 02, Subd. 5.

Official Traffic Control Device - All sign, signal, marking, and device consistent with MSA 169 placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. MSA 169.01, Subd. 41.

Prima Facie Limit - A limit which, on the face of it, is reasonable and prudent under normal conditions. A driver may exceed any prima facie limit if it is safe to do so under prevailing conditions. However, when a police officer cites a driver for exceeding a prima facie speed limit, it is up to the driver to prove, if he can, that he was driving in a reasonable and prudent manner under the existing conditions. The opportunity given to the driver to exceed a prima facie speed limit when it is safe to do so recognizes the fact that any posted speed limit cannot adequately reflect the many different conditions of traffic, weather visibility, etc, that may be found on the same highway at different times.

Private Road or Driveway - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. MSA 169.01, Subd. 30.

Railroad Sign or Signal - Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. MSA 169.01, Subd. 43.

Residence District - The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business. MSA 169.01, Subd. 40.

Residential Roadway - A street or portion of a street that is less than one-quarter mile in length and is functionally classified as a local street by the road authority having jurisdiction. MSA 169.01, Subd. 81.

Road Authority - 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. MSA 160.02, Subd. 9.

Roadway - That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. MSA 169.01, Subd. 31.

Rural Residential District - The territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more. MSA 169.14, Subd. 2

Safety Zone - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times set apart as a safety zone. MSA 169.01, Subd. 38.

School Bus - A motor vehicle used to transport pupils to or from a school defined in MS 120A.22 or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as a Type III vehicle under paragraph (5), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled transportation. A school bus may be type A, type B, type C, or type D or type III as follows:

1. A "type A school bus" is a conversion or body constructed upon a van-type or cutaway front section vehicle with a left-side driver's door, designed for carrying more than ten persons. This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) over 10,000 pounds; and a type A-II with a GVWR of 10,000 pounds or less.
2. A "type B school bus" is a conversion or body constructed and installed upon a van-type or cutaway front section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.
3. A "type C school bus" is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.
4. A "type D school bus" is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.
5. Type III school buses and type III Head Start buses are restricted to passenger cars, station wagons, vans, and buses in service after January 1, 1999, having an original maximum manufacturer's rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. A "type III school bus" and "type III Head Start bus" must not be outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D Head Start bus. MSA 169.01, Subd. 6.

School Zone - That section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the Manual on Uniform Traffic Control Devices adopted by the Commissioner pursuant to MSA 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones shall conform to the Manual on Uniform Traffic Control Devices. MSA 169.14, Subd. 5a.

Sidewalk - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. MSA 169.01, Subd. 33.

Specific Information Sign Panel - A rectangular metal sign panel consisting of the words gas, food, lodging, or camping, and directional information on which a business sign(s) is mounted.

Specific Service - 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. "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. "Tourist-oriented business" includes, but is not limited to: a greenhouse or nursery, a bait and tackle shop, a marina, and a gift or antique shop. MSA 160.292, Subd. 10.

Specific Service Sign - 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. MSA 160.292, Subd. 2.

Street or Highway - The entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic. MSA 169.01, Subd. 29.

Through Highway - Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter. MSA 169.01, Subd. 35.

Town Road - That road and cartway which has heretofore been or which hereafter may be established, constructed, or improved under the authority of the several town boards, and 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. MSA 160.02, Subd. 6.

Traffic - Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using any highway for purposes of travel. MSA 169.01, Subd. 44.

Traffic Control Signal - Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. MSA 169.01, Subd. 42.

Transportation District Engineer - As used in this chapter, refers to the Transportation District Engineer or representative, which in terms of this Manual is usually the District Traffic Engineer.

Trunk Highway - Any road established or to be established under the provisions of Article 14, Section 2 of the Constitution of the State of Minnesota. MSA 160.02, Subd. 2.

Urban District - The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. MSA 169.01, Subd. 59.

2-3.00 LEGAL RESPONSIBILITIES

2-3.01 Legal Responsibilities of Mn/DOT

Minnesota Statutes Annotated (MSA) 161.20 places Mn/DOT under the supervision and control of a Commissioner "who shall have and exercise the rights and powers and perform the duties prescribed by law." These duties are generally described in MSA 161.20 and are more specifically defined in many other sections of the Statutes, primarily in Chapters 160-173. In general, the Commissioner must carry out the provisions of the State Constitution as it relates to the State highway system (i.e., Trunk Highways). To do so, he has the power to acquire property, construct and maintain highways, let contracts, make agreements with local communities, expend funds, and promulgate regulations.

2-3.02 Legal Responsibilities of a Local Authority

2-3.02.01 The Law - MSA 169.04

MSA 169.04, A Local Authority, has two important implications for Mn/DOT engineers. First, the local authority have virtually complete authority (with notable exceptions such as Speed Zoning and Experimental Devices) over all streets and highways under their jurisdiction (county state-aid highways, county highways municipal state-aid streets and town roads). Since the statutes permit it, the local authority may enact any ordinance or regulation authorized by the statutes affecting traffic operation on these facilities (for a legal definition of the various local roads, see MSA 160.02 - also see MSA 169.06, Subd. 2 and 3 on requirement to conform to the MN MUTCD). Second, local governments may undertake actions affecting Trunk Highways only with the consent of Mn/DOT. The Transportation District Engineer is responsible for the review of all ordinances, regulations, or proposed actions affecting Trunk Highways.

2-3.03 Mn/DOT Approvals

2-3.03.01 Approval by the District

Proposed ordinances, regulations, or restrictions affecting State Trunk Highways shall be investigated and approved by Mn/DOT before implementation. A formal resolution requesting an investigation shall be submitted to the District by the local authority along with a draft of the proposed ordinance, regulation, or restriction. Proposals which would inhibit capacity or movement of Trunk Highway traffic, such as improper parking procedures, turn restrictions, truck routing, or similar items, must be investigated by Mn/DOT. If the proposed change is covered by the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD), the Traffic Engineering Manual or Technical Memorandums, the District may approve the action without a review by the State Traffic Engineer, OTST. A District Traffic Work Order, may be used for this purpose.

2-3.03.02 Approval by the State Traffic Engineer, Office of Traffic, Safety and Operations

The need for statewide uniformity and the legally sensitive nature of some work orders requires a centralized review. In these cases, the District conducts an investigation of the proposed action and transmits the proposal to the State Traffic Engineer, OTST with recommendations for action. At all times the District should make an effort, through close contact with local officials, to ensure that the applicable legal requirements are fulfilled. The State Traffic Engineer, OTST shall review and sign any order affecting:

1. Speed restrictions (see Section V).
2. Designations of through highways (see Section VII).
3. Experimental traffic control devices.

2-4.00 SIGNS, SIGNALS, AND MARKINGS

2-4.01 Legal Background

This section will discuss the legal rights and responsibilities of Mn/DOT regarding the placement and maintenance of signs, signals, and markings on streets and highways in Minnesota. Chapters 6, 7, 8 and 9 of this Manual describe standards and procedures for their design and implementation. Areas that will be covered in this section include: (1) the Minnesota Manual on Uniform Traffic Control Devices, (2) the placement and maintenance of signs, signals, and markings, (3) unauthorized devices, (4) railroad stop crossings, and (5) vandalism.

2-4.02 Minnesota Manual on Uniform Traffic Control Devices

Under MSA 169.06, Subd. 1, a Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD) has been prepared and adopted by the Commissioner. Unless a variation is approved by Mn/DOT all traffic control devices shall conform to the specifications in the MN MUTCD.

2-4.03 Placement and Maintenance on Trunk Highways - MSA 169.06, Subd. 2

2-4.03.01 Mn/DOT Responsibility

Under MSA 169.06, Subd. 2, it is the sole responsibility of Mn/DOT to place and maintain all necessary traffic control devices on Trunk Highways although permission to do so may be granted to other authorities by Mn/DOT. All such devices shall conform to the MN MUTCD and to Mn/DOT specifications unless a variance for experimental devices has been granted by Commissioners order.

2-4.04.-2 Variations from the MN MUTCD

Mn/DOT may authorize variations from the MN MUTCD only for purposes of investigation and research. It is important to note that any authorized variation (experimental traffic control devices) in traffic regulations must be published in a "qualified newspaper of general circulation" in the area affected by the variance. A qualified newspaper is one which is recognized as a legal or official publication of the municipality (see MSA 331.02). Experimental devices are only authorized on Trunk Highways.

2-4.04 Placement and Maintenance on Local Streets and Roads - MSA 169.06, Subd. 3

2-4.04.01 Local Responsibility

Under MSA 169.06, Subd. 3 local authorities have both the right and the responsibility to place and maintain traffic control devices on streets and highways under their jurisdiction. All new traffic control devices shall conform to the MN MUTCD and to State specifications. Legal liability for the existence and condition of these facilities rests with the local authority, and not with Mn/DOT.

2-4.05 Unauthorized Traffic Control Devices

2-4.05.01 Unauthorized Devices - (MSA 169.07)

MSA 169.07 gives Mn/DOT and local road authorities the authority and responsibility to identify and remove any sign, signal, marking or other device on Trunk Highways or other roads which is a traffic hazard or deters the effectiveness of official traffic control devices. Such devices may be removed by Mn/DOT without notice to the owner. This authority does not extend to informational signs on private property which cannot be mistaken as official traffic control devices.

2-4.05.02 Red Lights, Signs, and Signals

While most unauthorized devices may simply be removed by Mn/DOT, the removal of red lights, signs, and signals must be preceded by official notice. MSA 169.073 prohibits private individuals and companies from placing red lights, signals, or signs within view of highways or active railroads in such a way that affects the effectiveness or efficiency of official traffic control devices. Mn/DOT may order the removal or replacement of such lights by giving official written notice to the owner that the light is a traffic hazard. Notices shall be issued officially as required in MSA 216.17. In addition, the aggrieved party has the rights of appeal as required in MSA 216.25.

2-4.06 Railroad Stop Crossings - MSA 219.20

2-4.06.01 Responsibility for Railroad Crossing Signs

With respect to the provisions of MSA 219.20 Mn/DOT does not have the authority to install, replace, or remove signs on railroad property, including at railroad crossings. These signs and signals are the responsibility of the railroad company. Mn/DOT may declare a crossing "dangerous" and order the installation of stop signs at the crossing. Procedures for determining the need for traffic control devices at railroad crossings are discussed in Chapter 13 of this Manual.

2-4.07 Vandalism - MSA 169.08

2-4.07.01 Prosecution

MSA 169.08 clearly provides a recourse against vandalism related to highways and traffic control devices. Vandalism is usually a misdemeanor. Prosecution is normally handled by the county or municipality in which the vandalism occurred

2-5.00 SPEED RESTRICTIONS

2-5.01 Basic Speed Rule - MSA 169.14, Subd. 1

The basic rule states in part that "No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. This law governing motor vehicle speed provides that motorists are responsible for restricting their speed to that which is reasonable under the existing conditions. Regardless of the posted speed limit, this basic concept governs the enforcement of speed laws

2-5.02 Authority to Establish Speed Limits

Mn/DOT has the authority and responsibility to establish speed limits on Trunk Highways and to authorize speed limits on any street or highway in the State. The purpose of this section is to discuss the laws and regulations permitting the restriction of speed on Minnesota streets and highways.

2-5.03 Speed Limits

2-5.03.01 MSA 169.14, Subd. 2 states in part that:

1. "Where no special hazard exists, the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess there of shall be unlawful:
 - a. 30 miles per hour in an urban district or on a town road in a rural residential district;
 - b. 65 miles per hour on non-Interstate freeways and expressways, as defined in section 160.02, subd. 16;
 - c. 55 miles per hour in locations other than those specified in this section;
 - d. 70 miles per hour on Interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
 - e. 65 miles per hour on Interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
 - f. 10 miles per hour in alleys; and
 - g. 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.
2. A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.
3. For the purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more."

Residential Roadway - Residential roadway means a street or a portion of a street that is less than one-quarter mile in length and is functionally classified as a local street by the road authority having jurisdiction.

This portion of the law establishes basic speed limits in Minnesota under normal conditions. Current modifications are as noted in the following section.

2-5.03.02 Establishment of Zones by Commissioner - MSA 169.14, Subd. 4

Guidelines - The determination and implementation of speed limits on Trunk Highways is solely the responsibility of Mn/DOT. Procedural elements of speed zone determination including the "engineering and traffic investigation" are discussed in Chapter 6. Information on Data Collection may be found in Chapter 5.

2-5.03.03 Speed Zoning within Local Areas - MSA 169.14, Subd. 5

Guidelines - On all streets and highways other than Trunk Highways, the local authority must request investigation and authorization by Mn/DOT. Following Mn/DOT authorization, the local authority is responsible for placing and maintaining the speed limit signs on roadways under its jurisdiction.

2-5.03.04 District Investigation

The District Traffic Engineer is responsible for the surveys and data collection needed to determine speed limits on all streets and highways. The results of the District Traffic Engineer's investigation and his recommendations shall be transmitted to and approved by OTST before any speed limit may be revised. The procedures on establishing appropriate speed limits are described in Chapter 6 of this Manual.

2-5.03.05 Sign Placement

Speed limit signs must be placed at the beginning of all speed zones and at appropriate intervals through each zone. On divided highways, supplemental speed limit signs may be placed in the median. More specific details on speed limit sign placement are provided in Chapter 6.

2-5.03.06 School Speed Limits - MSA 169.14, Subd. 5a

Authority - MSA 169.14, Subd. 5a, grants local authorities (City Councils and County Board but not School Districts) the power to establish reduced speed limits in "school zones" without Mn/DOT authorization. Mn/DOT consent is required only if a Trunk Highway would be affected by the proposed action. Except on Trunk Highways, the placement and maintenance of any such traffic control devices is the responsibility of the local authority. School speed zoning will not automatically reduce speeds or crashes, and therefore must be done carefully.

Furthermore, the school zone limit is "part time" (in effect only when children are present, going to or leaving school during normal school hours) and must be identified accordingly. It is therefore important to consider alternatives which can be effective 24 hours per day before school speed zones are implemented. Examples of these alternatives are sidewalk construction, parking restrictions, crossing guards, stop signs and signals, and pedestrian rerouting.

Engineering and Traffic Investigation - The required procedures for conducting the investigation are outlined in "A Guide to Establishing Speed Limits in School Zones." The local authority shall complete an engineering and traffic investigation as prescribed by Mn/DOT before a school speed zone can be established. This investigation shall include:

1. a school route plan and
2. a school zone hazard evaluation.

2-5.03.07 Segments in Urban Districts - MSA 169.14, Subd. 5b

Authority - MSA 169.14, Subd. 5b, grants local authorities the power to reduce a previously established speed limit greater than 30 mph on a segment of a city street, municipal state street or town road in an area that meets the "urban district" as defined in MSA 169.01, subd. 59. The speed established will be as specified in MSA 169.14, Subd 2.

Responsibility - A copy of the resolution must be sent to the Commissioner at least 10 days prior to sign installation.

Speed Zoning in Alleyways - MSA 169.14, Subd. 5c. Under this law local authorities may regulate speed limits for alleyways as defined in MSA 169.01 based on their own engineering and traffic investigations. Alleyway speed limits established at other than 10 miles per hour are effective when proper signs are posted.

Speed Zoning in Work Zones - MSA 169.14, Subd. 5d. Under this law the Commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The Commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs designating the beginning and end of the affected work zone. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful. For purposes of this subdivision, "highway work zone" means a segment of highway

or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances. Procedures on establishing speed limits in work zones are described in Chapter 8 of this manual.

2-5.03.08 Minimum Speed Limits - MSA 169.14, Subd. 8

Mn/DOT has the authority to establish minimum, as well as maximum, speed limits on Trunk Highways. The determination of minimum speed limits is usually based on engineering judgment, taking into consideration the fact that safety decreases as speed differences increase. As a general rule, speed differences greater than 15-20 miles per hour are not desirable. The application of minimum speed limits is generally limited to higher speed freeway sections. An engineering and traffic investigation must precede the determination of minimum speed limits. Such regulations become effective when minimum speed signs are erected on the affected Trunk Highway.

2-5.03.09 Speed Limits on Bridges - MSA 169.16

Mn/DOT has the authority to determine maximum safe speeds on any bridge or elevated structure which is part of a highway. Local communities may also request investigations of bridges. The Office of Bridge is responsible for all bridge investigations. Bridge speed limits are usually lowered when the condition of the bridge and general nature of vehicle loads could create unusually heavy load impact on the bridge deck. The District is responsible for erecting bridge speed limit signs on Trunk Highways. Mn/DOT may require local authorities to place and maintain bridge speed limit signs on roadways under their jurisdiction. Suitable signs shall be placed 100 feet from each end of the structure.

2-5.03.10 Speed Limits on Local Roads Having an Established Bicycle Lane - MSA 160.263, Subd. 4

This piece of legislation is contained within a broad statute covering many facets of bicycle activities, including policies, registration, licensing, safety studies and bicycle lanes, ways and trails. The law gives local authorities the power to designate "safe" speed limits without the normally required "engineering and traffic investigation," only on streets and highways under their jurisdiction (not Trunk Highways) and only on a road upon which it has established a bicycle lane. The law prohibits a speed limit lower than 25 miles per hour. The legislation defines a "bicycle lane" as that portion of a roadway set aside by the governing body of a political subdivision having jurisdiction over the roadway for the exclusive use of bicycles or other vehicles propelled by human power and so designated by appropriate signs and markings."

Section 9A-3 and the addendum to Section 9A-3, Chapter 9, MN MUTCD covers important definitions relating to bicycles.

2-5.03.11 Speed Limits in Manufactured Home Parks and Recreational Camping Areas - MSA 327.27, Subd. 2 and 2c

Subd. 2. State speed limit. Except as provided in subdivision 2a, it shall be unlawful for any type of vehicle to travel at a rate in excess of ten miles per hour while within the limits of a manufactured home park or recreational camping area. The ten miles per hour limit shall be clearly posted throughout the manufactured home park or recreational camping area, and may be enforced by the municipality in which the park or area is located.

Subd. 2a. Local speed limit. A municipality may, by ordinance, set and enforce in a manufactured home park a speed limit which is higher than ten miles per hour but which is not higher than 30 miles per hour. The local speed limit shall be clearly posted throughout the manufactured home park.

2-6.00 NO PASSING ZONES AND LANE DESIGNATIONS

2-6.01 No Passing Zones - MSA 169.18, Subd. 5(B)

MSA 169.18, Subd. 5(b) provides the legal basis for establishing "no passing zones." It is Mn/DOT practice to indicate such no passing zones on rural (two-and three-lane roadways) by "No Passing Zone" pennant signs and distinctive pavement markings. Since drivers have become very dependent upon these devices, proper maintenance of these signs and markings is very important. The Transportation District Engineer is responsible for the application and proper maintenance of no passing zone signs and markings in accordance with the procedures set forth in Chapters 6 and 7 of this Manual.

2-6.02 Lane Designations - MSA 169.18, Subd. 7(c)

Under MSA 168.18, Subd. 7(c), Mn/DOT may erect signs on Trunk Highways (or authorize the erection of such signs on local highways) directing traffic to use specific lanes. Special lanes may be designated when certain vehicles (for example, trucks) cannot maintain the speed required to keep the speed differential within 15-20 mph and there is adequate space available. In addition, special bus and car pool lanes, known as restricted lanes, are designated on certain freeway entrance ramps within the Minneapolis-St. Paul Metropolitan Area.

2-7.00 THROUGH HIGHWAYS AND CONTROLLED ACCESS HIGHWAYS

2-7.01 Through Highways - MSA 169.30

The general rule in determining through highways is that intersection controls should be designed to favor the predominant traffic flow. Normally, it is desirable to erect STOP signs at all public entrances to Trunk Highways except where another means of control is provided. However, where Trunk Highway traffic is minor in comparison to traffic on the intersecting road, the intersecting road could have priority. Mn/DOT places and maintains the necessary STOP signs on all public streets and roads intersecting a Trunk Highway. STOP signs are usually not placed at private or commercial entrances, except as determined by the District Traffic Engineer. See Chapter 6 for practice on installation and maintenance of advance warning signs on local road approaches to trunk highway intersections.

Local authorities may designate through highways and stop or yield intersections involving Trunk Highways only with Mn/DOT's prior consent.

2-7.02 Controlled Access Highways - MSA 169.305

Section 169.305 of the Statutes grants authority to Mn/DOT and local authorities to prohibit "incompatible" traffic on controlled access highways under their respective jurisdictions. The restriction of nonmotorized traffic, including pedestrians and bicyclists, and of motorized bicycles is specifically included within this authority. Such prohibitions and restrictions are effective only when appropriate signs are erected on the affected highway. It is important to note that Mn/DOT may restrict traffic classes but is not required to do so by law.

2-8.00 PARKING REGULATIONS

2-8.01 General Regulations

MSA 169.34 Prohibitions; Stopping, Parking contains general regulations on prohibiting stopping or parking on public streets and highways.

2-8.01.02 Restrictions on Trunk Highways

Beyond the parking regulations established by law in Section 169.34, Mn/DOT may restrict or prohibit parking on Trunk Highways whenever it is dangerous to highway users or would interfere with the free movement of traffic. Any parking restrictions on Trunk Highways within the municipalities should be established with the concurrence of the local authority.

2-8.01.02 Local Authority

Local authorities may also restrict parking by ordinance or resolution. Any proposed local restrictions on Trunk Highways shall normally be approved by the Transportation District Engineer.

2-8.02 Limited Time Parking

Limited time parking is a local concern which is controlled by local authorities. It is Mn/DOT's policy to give considerable latitude to local communities in setting parking time limits.

2-8.03 Parking Meter Zones

Local authorities may establish parking meter zones as they deem necessary within local communities, and should use standard pavement markings to designate parking spaces. Standards for parking space dimensions and markings are described in Chapter 7 of this Manual and the MN MUTCD.

2-8.04 Disabled Parking

2-8.04.01 Applicable Laws

MSA 169.345, Parking Privileges for Physically Disabled, and MSA 169.346, Parking for Physically Disabled; Prohibitions, Penalties, establish necessary criteria and requirements to provide the handicapped with adequate parking facilities. In addition, Minnesota Rules Chapter 1340, with respect to automobile parking areas, state, in part:

Subd. 5 Automobile Parking Areas. Where automobile parking spaces are provided at least one space per 50 spaces or fraction thereof, shall be provided for the use of the handicapped, and shall be identified for such use. Such parking spaces shall be not less than 12 feet in width, and located as near as practicable to the building entrance specified in part 1340.0300, subpart 3.

Subd. 3 Floor of Building Access. At least one required entrance or exit of a building must be accessible for use by the handicapped, and must be identified for that use. The building entrance or exit must be at the main lobby or corridor and must provide access to all levels of the floor of access. Access to these levels must be by ramp or elevator.

2-8.04.02 Signing and Marking for Disabled Parking Spaces

The MN MUTCD and Minnesota Standard Signs Manual provide sign designs and details. Full size drawings for the "Disabled Parking" sign (R7-8a) and for the handicapped pavement marking symbol are available from the Office of Traffic, Safety, and Technology (OTST).

2-8.04.03 Source of Information

The Minnesota State Council for the Handicapped, phone (651) 296-6785, is a good source of information on legal issues concerning handicapped parking.

2-8.05 Angle Parking

2-8.05.01 Applicable Law MSA 169.35, Subd. 1 is as follows:

"Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, provided, that such exception shall only apply to a State trunk highway after approval by the Commissioner."

Note: In recent years, approval was granted for a small number of angle parking locations on the trunk highway system.

2-8.05.02 Mn/DOT Policy

It is the policy of Department not to approve angle parking on trunk highways. Exceptions to this policy shall be approved by the Commissioner or an authorized representative.

2-8.06 Parking on One-Way Streets

Under MSA 169.35, Subd. 3 local authorities may permit parking near the left curb of local one-way streets by ordinances. Prior consent of Mn/DOT is required to permit such parking on Trunk Highways.

2-9.00 LOAD RESTRICTIONS

2-9.01 General Load Restrictions

Load restriction laws in Minnesota restrict: (1) the width, (2) the height, (3) the length, and (4) the mass of loads which may be carried on streets and highways in Minnesota. These laws are included in MSA 169.80-169.88; they are very specific and include many exceptions and conditions, the user should refer directly to the Minnesota Statutes.

2-9.02 Seasonal Restrictions

According to Section 169.87, Subd. 1, Mn/DOT, with respect to Trunk Highways, and local authorities, with respect to highways under their jurisdiction, may prohibit or restrict the operation or mass of vehicles on any highway which would be seriously damaged or destroyed by such use. The basis for this determination should include deterioration, rain, snow, or other climactic conditions. Signs stating the prohibition or restrictions must be erected on the affected highways to promulgate these regulations.

2-9.03 Truck Routes

Based on MSA 169.87, Subd. 1, when a local authority petitions Mn/DOT to establish a truck route for travel into, through, or out of the territory under its jurisdiction, Mn/DOT shall investigate the matter. If the request is approved, Mn/DOT may designate certain highways under Mn/DOT's jurisdiction as "truck routes" and may restrict truck travel to those routes when signs are erected. However, except under conditions stated in MSA 169.87, Mn/DOT is not authorized to prohibit truck travel on Trunk Highways. The designation of a truck route is based on the design of the roadway, the type and mass of trucks using the facility, load carried, and the weather conditions.

2-9.04 Load Permits

Under the provisions of MSA 169.86, Special Permits, Mn/DOT may issue several types of permits related to load restrictions. "Single trip" permits are issued for a specific trip; "job" permits are issued for a specific activity and period, i.e., 2 month, etc; "annual" permit for a period not to exceed 365 days; and "special interest" permit for a certain project--again a limited time period, i.e. 1 or 2 months.

These special permits are issued, where the applicant shows good cause, for the vehicle to travel over a certain route where the vehicle and/or load exceed the normal legal operating size or mass limits. Mn/DOT may only issue permits for use on Trunk Highways. Load permits are issued by the District Offices, and through the Office of Freight and Commercial Vehicle Operations, Transportation Permit Section.

2-10.00 ADVERTISING DEVICES

2-10.01 Minnesota Outdoor Advertising Control Act - MSA 173.01

2-10.01.01 Advertising Restrictions

MSA 173.01 "Declaration of Policy" forms the basis for the control of advertising along interstate and primary highways in Minnesota. Chapter 173 of the Statutes provides for: (1) the designation, acquisition, and control of "scenic areas" along interstate and primary highways, and (2) the general control of outdoor advertising along interstate and primary highways. Special advertising controls are provided in Articles 173.01-173.11 may be exercised in scenic areas. In addition, the law specifically prohibits advertising devices:

1. In or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas.
2. Within 100 feet of a church or school.

2-10.01.02 Design of Advertising Devices

Advertising devices near highways must, in general, be structurally safe and of a design which does not resemble a traffic control device or create a traffic hazard. Specific rules and regulations affecting Outdoor Advertising are provided in Minnesota Rules 1987, 8810.0200 - 8810.1400 and in MSA 173.15.

2-10.01.03 Advertising Permits

All advertising devices adjacent to interstate or primary highways outside business districts require a permit from Mn/DOT. Advertising permits are issued by the District in each appropriate District office. Questions regarding advertising devices should be directed to the District Sign Technician. Local zoning authorities issue permits for advertising devices in business districts.

2-10.02 Resort Information Signs (County "Slat Sign" Program) - MSA 160.283

Intent of the County "Slat" Sign Program is to govern the installation of resort* information "slat" type signs on county state-aid highways, county highways, and town roads within one-half mile of areas that have advertising restrictions. The intent of these signs is to give motorists confirmatory guidance or reassurance that they are on the right road once they have turned off a Trunk Highway. Standard guide signs must guide them to this point.

* Note: Under the above mentioned statutes "resort" is defined as including resorts, golf courses, restaurants, motels, and recreational camping areas.

A complete description of the County "Slat" Sign Program as well as required procedures and specifications for implementing same is given in Chapter 6 of this Manual.

2-10.03 Specific Service Signs - MSA 160.292

Intent of the Specific Services Sign Program is to govern the installation, design, and criteria for specific service signs. The intent of these signs is to direct the traveling public on non-freeway trunk highways in rural areas to tourist oriented services; namely motels, restaurants, resorts, recreational camping areas , rural agricultural or tourist-oriented businesses, places of worship, gasoline service stations and other retail motor fuel businesses where outdoor advertising restrictions have prevented owners of these facilities from directing the public to their establishments.

A complete description, required procedures, and specifications for implementing the specific services sign program are given in Chapter 6 of this Manual.

2-10.04 LOGO Specific Services Sign Program (Sign Franchise Program) - MSA 160.80

The LOGO Specific Services Sign Franchise Program allows Mn/DOT to establish a sign franchise program. The intended purpose is to provide, on the right-of-way of interstate and certain specified controlled-access trunk highways, specific information on gas, food, camping, and lodging, for the benefit of the motoring public.

Pertinent information on this Program is given in Chapter 6 of this Manual.

2-10.05 Directional Signs (Advertising Devices) - MSA 173.081

This statute provides for the establishment of advertising "directional" signing standards for qualifying public or private attractions, which are nationally or regionally known and of outstanding interest to the traveling public MSA 173.02, Subd 6, (a) and (d) help define terminology.

"Directional" signing in this advertising context should not be confused with guide signing of a traffic control nature as developed in the Manual on Uniform Traffic Control Devices.

"Selection Methods and Criteria Outdoor Advertising Directional Signs" was developed by the Office of Environmental Services (in cooperation with FHWA) and is available therefrom. Signs are erected off Mn/DOT right- of-way.

Applicants for advertising directional signing should deal with District Office.

2-11.00 PERMITS**2-11.01 General**

Beyond the load restriction permits described in Section 2-9.04 above, traffic engineers in Minnesota should be aware that under special circumstances, permits may be issued for studded tires, parades, and entrances.

2-11.02 Studded Tire Permits - MSA 169.72, Subd. 1

Under most circumstances, the use of studded tires is not permitted on streets or highways in Minnesota. Special permits may be issued to certain traction engines, tractors, and other farm machinery. These permits are issued by the District Offices and through the Office of Contract Administration and Maintenance, Emergency Operations Unit, Transportation Permits.

2-11.03 Parade Permits - MSA 169.04

Local authorities, with the consent of Mn/DOT, may regulate or prohibit all assemblages on the streets and highways under their jurisdiction. Mn/DOT procedures are described in the criteria listed in Chapter 13 of this Manual.

2-11.04 Entrance Permits - MSA 160.18, Subd. 3

"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."

2-11.04.01 Driveway Permits and Design

No driveway shall be constructed to or from a Trunk Highway until permits have been obtained from the Transportation District Engineer and the local governing authority. Rules and regulations for the design of driveways along the Trunk Highway system are provided in 1987 Minnesota Rules 8810.4100-8810.5600.

2-11.05 Special Event Permits and Agreements

Mn/DOT, from time to time, receives requests from various organizations wishing to sponsor special events that require special traffic control measures and/or special use of the highway right-of-way. These special events include such activities as major snowmobile races, major golf tournaments, farm fests, and major music festivals.

Where special events are found to be in the public interest, the sponsor may be granted a permit or a formal agreement may be executed wherein certain conditions must be met. Items to be concerned with include:

1. Insofar as applicable to the event, all Minnesota laws pertaining to the use of highway right-of-way shall be obeyed.
2. Additional traffic control devices and/or law enforcement officers shall be provided by the sponsor (Mn/DOT may furnish services and bill the sponsor) as deemed necessary by Mn/DOT to adequately control traffic generated by the event, or as related to the event itself.
3. The sponsor shall agree to assume the entire responsibility and liability for all damages or injury to all persons, whether employees or otherwise and to all property, arising out of, resulting from or in any manner connected with the operation of the special event. The sponsor shall agree to indemnify Mn/DOT, its agents and employees from all such claims including, without limiting the generality of the foregoing claims for which Mn/DOT may be claimed to be liable and legal fees and disbursements paid or incurred to enforce the provisions of this paragraph, and the sponsor shall further agree to obtain, maintain, and pay for such general liability coverage as will ensure the provisions of this paragraph.
4. The sponsor shall be responsible for any damage done to the highway property as a result of the special event, damages payable upon receipt of invoice.

Since many special events will be unique, Mn/DOT's Claims Engineer should be consulted as deemed necessary.

2-12.00 OTHER LEGAL CONSIDERATIONS

2-12.01 Particular Use of Right-of-Way - MSA 160.27

2-12.01.01 Permitted Devices

As stated in MSA 160.27, Subd. 1, 2, 3, and 4, the only items other than official traffic control devices which may be placed within street or highway right-of-way include: (1) public notices, (2) benches and bus shelters, (3) outdoor telephone booths, and (4) customs inspection facilities. These items shall be authorized by written permit by the appropriate road authority. In the case of Trunk Highways, it is the responsibility of the Transportation District Engineer to issue such permits. Before issuing such permits an investigation should be conducted to insure compliance with the appropriate safety criteria.

2-12.01.02 Prohibited Devices

MSA 160.27, Subd. 5 provided a detailed list of actions which are not permitted within highway rights-of-way. Most important to traffic engineers, this law states that it is unlawful to "improperly place or fail to place warning signs and detour signs as provided by law."

2-12.01.03 Violations

Violations of MSA 160.27 are misdemeanors.

2-12.02 Plat Review - MSA 505.03

Under the provisions of MSA 505.03, Subd. 2, any proposed plat which includes lands adjacent to an existing or proposed Trunk Highway shall be submitted to Mn/DOT for review. Districts/Division may be asked by Mn/DOT to review these plats. Procedures for reviewing proposed plats are outlined in Chapter 13 of this Manual. Mn/DOT has 30 days to complete the plat review and to submit written comments and recommendations to the local authority. The law does not require the local authority to receive these comments; it only requires that final action be delayed until comments are received or the 30-day waiting period has passed.

2-12.03 Technical Assistance - MSA 161.39

Under the provisions of MSA 161.39, Subd. 1, 2, 3, 4, 5a and 6, Mn/DOT, when staff and work load conditions permit, may provide technical assistance to both local communities and other state agencies upon request. This assistance may include: technical and engineering advice, assistance and supervision; surveys; plans; studies; investigations; and pavement markings. The local authority or State agency shall pay Mn/DOT for any technical services provided to them by Mn/DOT representatives

2-12.04 Bridge Width and Clearance Requirements - MSA 165.04 and MSA 165.05

2-12.04.01 Bridge and Culverts

MSA 165.04 requires that all bridges and culverts on any trunk highway, county state-aid highway, or municipal state-aid street hereafter established, constructed, or improved shall be at least 24 feet wide between curbs, and approaches thereto shall be at least 28 feet wide, shoulder to shoulder.

On other roads, all bridges, culverts, and approaches hereafter established, constructed, or improved shall be at least 20 feet wide.

There are notable exceptions to these requirements and the Law should be reviewed carefully relative to bridge width requirements.

2-12.04.02 Railroad Bridge

MSA 165.05 requires that any railroad bridge hereafter constructed over a public highway, including city streets, shall be constructed so as to leave a clear opening for the highway at least 4 feet wider than the surfaced portion of the highway, but in no event less than 28 feet wide, except as may be modified and approved by Mn/DOT.

MSA 165.05 further requires that at least 16 feet vertical clearance shall be provided from the surface of the highway to the bottom of the bridge.

On non-trunk highways, the vertical clearance shall not be less than 14 feet.

Lesser clearances may be approved by Mn/DOT.

2-13.00 REFERENCES

1. A Guide to Establishing Speed Limits in School Zones, Minnesota Department of Transportation 1980.
2. Minnesota Manual on Uniform Traffic Control Devices, Department of Transportation 2005 and all subsequent revisions.
3. Minnesota Motor Vehicle and Traffic Laws including Motor Carrier Laws, Motor Vehicle Registration Laws, No Fault Car Insurance Laws, and Miscellaneous Acts, Minnesota Department of Public Safety, Laws, current edition.
4. Minnesota Statutes, current edition.
5. Minnesota Rules current edition, Revisor of Statutes, State of Minnesota.

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