



Responsibility for Minnesota Roads

Roads make up a substantial and important part of Minnesota's transportation system. Most Minnesotans use highways, streets, and other roads to get from one place to another on a daily basis. While often associated with motor vehicles, Minnesota roads are, in fact, designed and built to support *all* forms of traffic — which includes pedestrians, bicycles, and almost anything else that can be used for travel, unless a certain type of traffic is specifically prohibited on a specific road.¹ Understanding who is responsible for establishing and maintaining these roads is important to ensure that Minnesota's transportation system is safe and efficient, and meets the legal requirements and needs of pedestrians, bicyclists, and other non-motorized transportation users.

Q: How does Minnesota's transportation system support the use of roads by pedestrians and bicyclists?

A: Minnesota's transportation system seeks to support pedestrian and bicycle use of Minnesota roads by:²

- Minimizing fatalities and injuries for transportation users throughout the state;
- Providing multimodal and intermodal transportation facilities and services to increase access for all persons and businesses and to ensure economic well-being and quality of life without undue burden placed on any community;
- Providing a reasonable travel time for commuters;



- Providing transit services to all counties in the state to meet the needs of transit users;
- Providing and prioritizing funding of transportation investments that ensures that the state’s transportation infrastructure is maintained in a state of good repair;
- Ensuring that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;
- Increasing use of transit as a percentage of all trips statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost;
- Promoting and increasing bicycling and walking as a percentage of all trips as energy-efficient, nonpolluting, and healthy forms of transportation;
- Reducing greenhouse gas emissions from the state’s transportation sector; and
- Accomplishing these goals with minimal impact on the environment.

Q: Who is responsible for ensuring these goals are met?

A: The Minnesota Department of Transportation (MnDOT) is the principal state agency responsible for development, implementation, administration, consolidation, and coordination of state transportation policies, plans, and programs.³

Q: What is the legal authority for Minnesota’s road system?

A: The Minnesota Constitution establishes the basic framework for Minnesota’s road system. The Minnesota Constitution created the state trunk highway system, county state aid

TABLE 1: Minnesota Laws Creating Minnesota’s Road System

Minnesota Constitution	
Article 14	Public Highway System
Minnesota Statutes	
Chapter 160	Roads, General Provisions
Chapter 161	Trunk Highways
Chapter 162	State-aid Road Systems
Chapter 163	County Highways
Chapter 164	Town Roads
Chapter 169	Traffic Regulations
Chapter 174	Department of Transportation
Minnesota Rules	
Chapter 8810	Trunk Highway System
Chapter 8820	Local State-aid Route Standards, Financing

highways, and municipal state aid streets.⁴ This framework is further developed within several chapters of Minnesota Statutes and in Minnesota Rules.⁵ Minnesota statutes identify additional types of roads including Minnesota state highways, county highways, city streets, and town roads.⁶

Q: Do any other laws impact the road system?

A: The state road system is impacted by a number of laws and regulations that are not specifically or directly transportation related. These include Minnesota laws regarding the environment,⁷ natural resources and recreation,⁸ authority over land,⁹ health,¹⁰ education,¹¹ and civil and human rights.¹²

There are additional requirements found in federal law or otherwise required as a condition of federal funding. For example, roads and other transportation facilities must meet the accessibility

requirements under the Americans with Disabilities Act (ADA).¹³ Federal civil and human rights laws also require roads to be designed, constructed, and managed in a way that does not negatively affect certain groups or areas, such as minority populations and neighborhoods, without also providing them with access to the road and other road benefits.¹⁴ These are just a few examples of the many areas and bodies of law that impact roads.

Q: Who is responsible for Minnesota roads?*

A: Different governmental entities, called “road authorities,” have responsibility for specific activities on particular roads.

Q: How are Minnesota roads designed?

A: MnDOT develops design standards for Minnesota’s trunk highway and state aid road systems.

* The design, construction, operation, maintenance, and policing of Minnesota’s road system is complex and involves many federal and state laws that are not discussed in this document. The information and scenarios discussed provide a general overview and examples of the main authorities and responsibilities over Minnesota roads.

TABLE 2: Authority over Minnesota Roads

Primary Types of Roads	Primary Road Authorities ¹⁵	Additional Authority
State Trunk Highway System <ul style="list-style-type: none"> ■ Minnesota Trunk Highways¹⁶ ■ Minnesota State Highways¹⁷ ■ Interstate Highways¹⁸ 	Minnesota Department of Transportation (MnDOT) ¹⁹ <ul style="list-style-type: none"> ■ Locates, constructs, improves, and maintains the state trunk highway system.²⁰ ■ Maintains bicycle and recreational vehicle lanes on state trunk highways, including maintenance of drainage; debris removal; sweeping of lane surfaces; mowing and brush removal; surface maintenance; surface grading; snowplowing; and painting of stripes and stencils.²¹ 	City Council ²² Approves the final layout of the construction, reconstruction, or improvement of any trunk highway within its municipal boundaries. County Board, City Council, Town Board ²³ Maintains bicycle and recreational vehicle lanes when separate from state trunk highways.
County Roads <ul style="list-style-type: none"> ■ County State Aid Highways (CSAHs)²⁴ ■ County Highways²⁵ 	County Board ²⁶ Locates, constructs, reconstructs, improves, and maintains county state aid highways and county highways.	City Council ²⁷ Approves plans for the construction, reconstruction, or improvement of a CSAH within its city limits. ²⁸ MnDOT ²⁹ Creates and grants certain variances from design standards County Boards must follow when carrying out their responsibilities for CSAHs.
City and Town Roads <ul style="list-style-type: none"> ■ Municipal State Aid Streets (MSASs)³⁰ ■ City Streets³¹ ■ Town Roads³² 	City Council ³³ Establishes, locates, relocates, constructs, reconstructs, improves, and maintains municipal state aid streets ³⁴ and city streets. ³⁵ Town Board ³⁶ Establishes, locates, relocates, constructs, reconstructs, improves, and maintains town roads.	MnDOT ³⁷ Creates and grants certain variances from design standards City Councils must follow when carrying out their responsibilities for MSASs.

Roads not part of these state aid systems follow local design standards. Design standards may differ depending on the type of road and its surrounding environment. However, all roads must be designed to meet accessibility standards for individuals with disabilities as required by the Americans with Disabilities Act (ADA). Roads funded with federal aid may be required to follow additional federal design standards not mentioned here.

The following are some examples of how Minnesota roads are designed:

- **State Trunk Highway System** — MnDOT issues a Road Design Manual (Manual) that establishes uniform policies and procedures for the trunk highway system. The policy and criteria in the Manual are largely adopted from AASHTO’s “A Policy on Geometric Design of Highways and Streets,” which has also been adopted by the Federal Highway Administration as the design standard for the National Highway System.³⁸ The Manual is not, however, intended to be the “legal” standard. The Manual’s standards must be integrated with engineering judgment and balanced with social, economic, and environmental factors to achieve the appropriate design for each circumstance.³⁹
- **Local State Aid Roads** — County state aid highways and municipal state aid streets must be designed according to MnDOT’s standards.⁴⁰ These include required road specifications, such as lane and shoulder widths.⁴¹ Occasionally, road projects that have been carefully designed to accommodate bicyclists and pedestrians do not meet the state aid design and engineering standards. In such instances, local governments may request a variance from MnDOT.⁴⁷ (For further information on this variance process, see the Public Health Law Center’s resources at publichealthlawcenter.org.)

National Transportation Design Authorities

The American Association of State Highway and Transportation Officials (AASHTO) is a nonprofit, nonpartisan association that develops transportation policies and design standards.⁴²

The Federal Highway Administration (FHWA) is an agency within the United States Department of Transportation (DOT) with significant authority over the national transportation system.⁴³ The FHWA supports state and local governments in the design, construction, and maintenance of the nation’s highway system and various federally and tribally owned lands.⁴⁴ The FHWA also has authority to issue guidelines to assist state and local governments in meeting DOT’s transportation standards.⁴⁵

In Minnesota, the FHWA oversees MnDOT’s activities regarding interstate and national highways, ensures MnDOT is adequately administering local federal-aid projects, and provides technical assistance to both MnDOT and local government agencies.⁴⁶

- **County Highways, City Streets, and Town Roads** — Local roads established without state or federal funds are designed according to the discretion of the applicable County Board, City Council, or Town Board, based on the expertise of an engineer.⁴⁸ Although these local governments may design roads as they choose, the roads must still meet accessibility requirements for individuals with disabilities⁴⁹ and should be based on professional engineering judgment.⁵⁰

Q: How do different road authorities coordinate their responsibilities?

A: Constructing and improving roads can be complicated when more than one jurisdiction overlaps. This can occur when a state trunk highway or county highway runs through a city or town. In these cases, MnDOT (responsible for trunk highways) or the county board (responsible for county highways) must get approval of a local government in certain circumstances for particular aspects of the road.

Examples

- MnDOT must get approval from a municipality's (city) council or board for the construction, reconstruction, or improvement of any portion of a state trunk highway within the municipality.⁵¹
- A county board must get approval from a city council for the establishment, construction, reconstruction, or improvement of a county state aid highway within the city limits.⁵²

Q: What are a road authority's maintenance responsibilities?

A: Road authorities must ensure that roads are maintained in a state of good repair, consistent with Minnesota's transportation goals.⁵³ To help support these goals, MnDOT's Office of Maintenance develops and distributes the Maintenance Manual.⁵⁴ This Maintenance Manual defines "maintenance" as:

The preservation of all types of roadways, roadsides, structures, and facilities as close as possible to their original condition, and consists of performing the services and operations necessary to provide satisfactory and safer highways. Maintenance is the skill of keeping all highways in full service with minimum expense and the least inconvenience to the traveling public.⁵⁵

MnDOT's Maintenance Manual provides guidance on many aspects of highway maintenance, including topics such as clear and smooth roads, emergency procedures, safety and traffic control devices, and roadsides. MnDOT maintains roads within the trunk highway system according to the Manual's procedures and guidelines. Local road authorities often also utilize the Manual in maintaining their roads.⁵⁶

General maintenance duties include snow and ice removal; planting, maintaining, and removing trees and shrubs; removing weeds; and mowing ditches and areas along highways and streets.⁵⁷ Additionally, while MnDOT is not directly responsible for the maintenance of local state aid roads and highways, it must ensure that there is a reasonable standard of maintenance on state aid routes within counties and urban municipalities, consistent with available funds, the existing street or road condition, and the traffic being served.⁵⁸

Proper maintenance increases the lifespan of the transportation facility through a continuing program of correcting wear and deterioration caused by traffic and the environment. Maintenance should be regarded not as a temporary measure but as an investment and insurance against costly repairs.⁵⁹

Q: How are traffic regulations enforced?

A: Responsibility for enforcing traffic regulations varies depending on the type of road:

- **State Trunk Highway System** — The Minnesota State Patrol is responsible for enforcing traffic regulations and other laws relating to the protection and use of Minnesota's trunk highways.⁶⁰

- **Local Roads** — Local authorities are generally allowed to regulate traffic on streets and highways within their boundaries, and on trunk highways within their boundaries with MnDOT’s consent.⁶¹

While local authorities regulate traffic on roads under their authority, they must do so consistent with state traffic laws. Traffic regulations found in state law generally apply throughout the state and in all counties, cities, and towns to ensure uniformity. Local authorities may adopt local traffic regulations which do not conflict with the state traffic regulations, with certain limitations.⁶²

Q: Do local authorities have any other authority over roads?

A: Yes. In addition to the general enforcement of traffic regulations, local authorities may also:⁶³

- Regulate the standing or parking of vehicles;

Local Authorities — Every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state.⁶⁴

- Designate particular highways as one-way roadways;
- Designate any highway as a “through highway” and require that all vehicles not on the through highway stop before entering or crossing;
- Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to these intersections; and
- Restrict the use of certain highways.

Local authorities must get MnDOT approval before performing any of these actions on a trunk highway within their boundaries.⁶⁵

Last updated: January, 2014

This publication was prepared by the Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota, made possible with funding from the Minnesota Department of Health and the Centers for Disease Control and Prevention.



The Public Health Law Center provides information and technical assistance on issues related to public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

Endnotes

- ¹ See MINN. STAT. § 169.011, subd. 84.
- ² MINN. STAT. § 174.01.
- ³ MINN. STAT. § 174.01, subd. 1.
- ⁴ See MINN. CONST. art. XIV.
- ⁵ See generally, MINN. CONST. art. XIV; MINN. STAT. §§ 160 – 164, 169, 174; MINN. R. 8810, 8820.
- ⁶ See MINN. STAT. §§ 161.115, 161.117, 161.12, 163.02, 164.02.
- ⁷ See generally, MINN. STAT. §§ 116, 116B-116D.
- ⁸ See generally, MINN. STAT. §§ 84, 85, 86A, 448.
- ⁹ See generally, MINN. STAT. §§ 366, 368, 373, 375, 383A-83B, 394, 398-398A, 412, 429-430, 435, 440-441, 446-446A, 448, 462, 466, 469, 471, 473, 473F.
- ¹⁰ See generally, MINN. STAT. §§ 144-145.
- ¹¹ See generally, MINN. STAT. §§ 120A, 123B, 124D, 127A, 137.
- ¹² See generally, MINN. STAT. §§ 163A.
- ¹³ See generally, 42 U.S.C. §§ 12101-12213; 28 C.F.R. §§ 35.
- ¹⁴ See *Darensburg v. Metropolitan Transp. Com'n*, 636 F.3d 511, 517 (9th Cir. 2011); *Bryant v. New Jersey Dept. of Transp.*, 998 F.Supp. 438, 445-46 (D. N.J. 1998); *see also*, 42 U.S.C. § 2000d .
- ¹⁵ MINN. STAT. § 160.02, subd. 25.
- ¹⁶ MINN. STAT. § 160.02, subd. 29.
- ¹⁷ MINN. STAT. § 160.02, subd. 26.
- ¹⁸ MINN. STAT. § 161.12.
- ¹⁹ See MINN. STAT. §§ 160.02, subd. 25, 161.20.
- ²⁰ See MINN. CONST. art. XIV, § 2; MINN. STAT. § 161.20; *see generally*, MINN. STAT. § 161; MINN. R. 8810.
- ²¹ MINN. R. 8810.6400.
- ²² MINN. STAT. §§ 161.162 - .164; MINN. R. 8810.6400.
- ²³ MINN. R. 8810.6400; *see also*, MINN. STAT. § 161.24, subd. 5, 161.38.
- ²⁴ MINN. STAT. § 160.02, subd. 18.
- ²⁵ MINN. STAT. § 160.02, subd. 17.
- ²⁶ MINN. CONST. art. XIV, § 3; MINN. STAT. §§ 160.02, subd. 25, 162.02, 163.02.
- ²⁷ MINN. STAT. § 162.02.
- ²⁸ MINN. STAT. § 162.02, subd. 8.
- ²⁹ See MINN. STAT. § 162.02.
- ³⁰ MINN. STAT. § 160.02, subd. 21.
- ³¹ See MINN. STAT. § 160.02, subd. 25; *but see*, MINN. R. 8820.0200, subp. 12, 44.
- ³² MINN. STAT. § 160.02, subd. 28.
- ³³ MINN. CONST. art. XIV, § 4; MINN. STAT. §§ 160.02, subd. 25, 162.09.
- ³⁴ MINN. STAT. § 162.09.
- ³⁵ See MINN. STAT. § 160.02, subd. 25.
- ³⁶ MINN. STAT. § 164.02.
- ³⁷ See MINN. STAT. § 162.09.
- ³⁸ See MINN. DEP'T OF TRANSP., Road Design Manual (May 22, 2012), *available at* <http://roaddesign.dot.state.mn.us/>.

- ³⁹ See MINN. DEP'T OF TRANSP., Road Design Manual, (May 22, 2012), available at <http://roaddesign.dot.state.mn.us/>.
- ⁴⁰ See MINN. STAT. §§ 162.02, 162.09; see also, MINN. R. 8820.
- ⁴¹ See MINN. R. 8820.2500.
- ⁴² *AASHTO Overview*, AM. ASSOC. OF STATE HIGHWAY TRANSP. OFFICIALS, <http://www.transportation.org/Pages/Organization.aspx> (last visited Oct. 23, 2013); See also, *Design Standards*, FED. HIGHWAY ADMIN., <http://www.fhwa.dot.gov/programadmin/standards.cfm> (last visited Oct. 23, 2013).
- ⁴³ See *Our Administrations*, U.S. DEP'T OF TRANSP., <http://www.dot.gov/administrations> (last updated Apr. 3, 2013).
- ⁴⁴ *Who We Are*, FED. HIGHWAY ADMIN., <http://www.fhwa.dot.gov/about/> (last modified Sept. 17, 2012).
- ⁴⁵ *Design Standards*, FED. HIGHWAY ADMIN., <http://www.fhwa.dot.gov/programadmin/standards.cfm> (last visited Oct. 23, 2013).
- ⁴⁶ *Stewardship Plan*, FED. HIGHWAY ADMIN. & MINN. DEP'T OF TRANSP. (Dec. 2007), available at http://www.dot.state.mn.us/planning/program/pdf/IM30%20Stewardship%20Plan%205-06-08_1.pdf.
- ⁴⁷ See MINN. STAT. §§ 162.02, subd. 3a, 162.09, subd. 3a, 174.75, subd. 5.
- ⁴⁸ See MINN. STAT. §§ 163.02, 163.07, 163.08, 164.02; see also, LEAGUE OF MINN. CITIES *Acquisition and Maintenance of City Streets*, (May 28, 2013), at 15, available at <http://www.lmc.org/page/1/general-search.jsp>.
- ⁴⁹ See generally, 42 U.S.C. §§ 12101-12213; 28 C.F.R. §§ 35.
- ⁵⁰ See MINN. STAT. §§ 163.02, 163.07, 163.08, 164.02; see also, LEAGUE OF MINN. CITIES *Acquisition and Maintenance of City Streets* (May 28, 2013), at 15, available at <http://www.lmc.org/page/1/general-search.jsp>.
- ⁵¹ MINN. STAT. § 161.164; see also, MINN. STAT. § 161.162, subd. 2.
- ⁵² MINN. STAT. § 162.02, subd. 7, 8; see also, MINN. STAT. § 162.02, subd. 10, 12.
- ⁵³ See *Maintenance Manual*, MINN. DEP'T OF TRANSP., <http://www.dot.state.mn.us/maintenance/manual.html> (last visited Oct. 23, 2013).
- ⁵⁴ See MINN. STAT. § 174.01 (2010).
- ⁵⁵ MINN. DEP'T OF TRANSP., *Maintenance Manual* (July 20, 2005), available at http://www.dot.state.mn.us/maintenance/Maint_Manual/Ch1.pdf.
- ⁵⁶ See *Maintenance Manual*, MINN. DEP'T OF TRANSP., <http://www.dot.state.mn.us/maintenance/manual.html> (last visited Oct. 23, 2013).
- ⁵⁷ See MINN. STAT. §§ 160.21, 160.215, 160.22, 160.23, 160.232; see also, *Maintaining Minnesota's State Highways*, MINN. DEP'T OF TRANSP., <http://www.dot.state.mn.us/maintenance/> (last visited Oct. 21, 2013).
- ⁵⁸ MINN. R. 8820.2700, subp. 1.
- ⁵⁹ MINN. DEP'T OF TRANSP., *Maintenance Manual* (July 20, 2005), available at http://www.dot.state.mn.us/maintenance/Maint_Manual/Ch1.pdf.
- ⁶⁰ MINN. STAT. § 299D.03; see also, MINN. STAT. § 161.163, subd. 2; see generally, MINN. STAT. § 299D.
- ⁶¹ MINN. STAT. § 169.04(a)(2).
- ⁶² MINN. STAT. § 169.022; see also, MINN. STAT. § 169.02.
- ⁶³ See MINN. STAT. § 169.04.
- ⁶⁴ MINN. STAT. § 169.011, subd. 38.
- ⁶⁵ MINN. STAT. § 169.04.