

## POLICY STATEMENT

### EXCESSIVE ROAD DAMAGE TO COUNTY ROADS

#### BY USERS

It shall be the policy of Red Lake County to recoup repair costs of county roads in the event of abuse and excessive damage to county roads as established by the Red Lake County Highway Department and the Red Lake County Board of Commissioners.

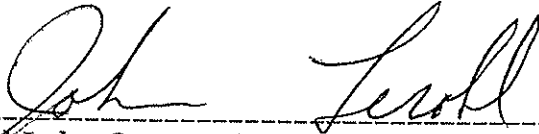
This authority is granted by Minnesota State Statute 169.88, Damages, and Liability, which will be made a part of this policy. The specific procedure which will be followed in the event of noticeable damage to any county road or its right of way drainage is as follows:

1. When abuse or damage to any county road is observed or reported, the Red Lake County Highway Department will attempt to contact the party responsible for the abuse or damage. The party will then be asked to modify or discontinue use of the road and will be given a copy of the county policy with regard to road damage, along with a copy of the Minnesota State Statute 169.88.
2. If the party continues to abuse and damage county roads, law enforcement will be asked to intervene. In extreme cases where public safety may be at risk, Law Enforcement may issue citations as appropriate.
3. If efforts to mitigate the abuse and damage to county roads are ineffective, the Red Lake County Highway Department through its own staff, or independent contractor, will repair the road to the pre-existing condition.
4. A detailed invoice will be prepared detailing all the costs involved to return the road to its pre-existing condition. The invoice will then be presented to the party responsible for the road damage for payment to the Red Lake County Highway Department.
5. The party responsible for the road damage will have the option to pay the costs within 30 (thirty) days, or appeal it to the next regularly scheduled meeting of the Red Lake County Board of Commissioners.
6. Should the Red Lake County Board of Commissioners agree that the charges for repairs are appropriate; the responsible party shall have 30 (thirty) days for the date of the appeal to pay the claim in full to the Red Lake County Highway Department.

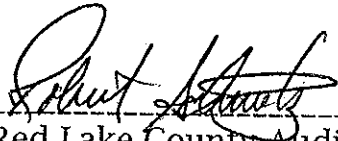
7. If the claim is not paid to the Red Lake County Highway Department within 30 (thirty) days, the Red Lake County Highway Engineer will request permission from the Red Lake County Board of Commissioners to proceed with collection through the court system.

This policy is not meant to be a punishment to the people of the State or Red Lake County, or as a funding mechanism for the maintenance of county roads. This policy is meant to be a protective measure / deterrent to abuse and damage of county roads and right-of-way in the interest of safety and well being of the traveling public.

Adopted this \_\_28th\_\_ day of \_\_September\_\_\_\_\_, 2010



Red Lake County Commissioner Board Chair, John Lerohl



Red Lake County Auditor, Robert Schmitz

**169.88 DAMAGES; LIABILITY.**

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or highway structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in sections 169.80 to 169.88.

(b) When such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

(c) Any person who by willful acts or failure to exercise due care, damages any road, street, or highway or highway structure shall be liable for the amount thereof.

(d) Damages under this section may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

**History:** (2720-280) 1937 c 464 s 130; 1967 c 509 s 1; 1986 c 444