

POLICY FOR REPAIR OF PRIVATE DRAIN TILE
UNDER A COUNTY HIGHWAY

There currently is not a county policy which addresses the replacement of a damaged private drain tile under a county highway.

As background information, Minnesota Statute 160.20 requires the road authority to install and pay for a tile drain when the county is constructing or reconstructing a highway, if the road authority is notified in advance of the construction to allow placement of the tile in the road bed construction.

Additionally the road authority may grant permission for a land owner to place a private tile across the highway right of way. The Statutes do not state the road authority would be responsible for any installation costs by granting the permit. The Statute further states that the road authority who grants a permit for tile installation is not responsible for damage to the tile.

The County Department of Public Works would like to maintain control of any work occurring in the highway right-of-ways and under the roadbed, but the Department does not want to get into the business of replacing every old tile under our roads if they are not providing any substantial agricultural benefit.

Therefore, I recommend the Board of Commissioners approval of a cost-sharing policy with the individual requesting the tile replacement. In this agreement, the county would pay one half of the material, labor and equipment cost for the replacement, and the requesting individual will pay the remaining one half of the costs. The county would be involved with replacement costs only. The private individual would be solely responsible for all maintenance costs, exploration costs to locate the tile, and normal clean out costs which may be required to determine the tile is damaged to the extent where replacement is necessary.


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Director/Engineer

APPROVED BY BOARD 5 NOV 91