



CULVERTS & APPROACHES

At some time, nearly every township will need to administer driveway or field approaches and culverts to allow property access and surface drainage. Fortunately, a statute sets the expectations among townships and landowners on this issue. The law groups approaches into three categories for purposes of dividing responsibilities among the township and landowners.

1. APPROACHES & CULVERTS TO EXISTING ROADS

If a person wants an approach to an existing road, the person is expected to first obtain a permit from the town board for the installation of the approach.¹ The landowner must pay the “cost and installation of any required culverts unless,” the township “adopts by resolution a policy for the furnishing of a culvert” to the landowner or applicant when “the culvert is necessary for suitable approach to the road.”² The town board decides what type and size of approach is suitable to protect the road surface, drainage, and safety concerns.

By default, the landowner must pay the cost of a culvert and installation for a new approach. This is opposite of the law that existed before 1998, so landowners may be surprised by the change of the law. Landowners are not “grandfathered” in to the old law, so they are not entitled to an approach or culvert at the town’s expense because an existing approach predated the change in the law.

When an existing culvert must be replaced because of damage, failure, or other reason not caused by the township’s reconstruction of the road, the landowner is expected to pay the costs of the new culvert and installation.

2. APPROACHES & CULVERTS ON NEW ROADS

If the township builds a new road, relocates an existing road, or re-constructs an existing road, the town must provide one suitable approach within the road right of way when an approach is

¹ Minn. Stat. § 160.18, subd. 1 (“Except when the easement of access has been acquired, a road authority, as to a highway already established and constructed may grant by permit a suitable approach to the highway.”).

² Minn. Stat. § 1603.18, subd. 1.

needed to access the property.³ Note the township is required to provide *only one* approach under these circumstances. Parcels with multiple approaches may expect to pay for the costs of their additional approaches and culverts.

3. APPROACHES FOR PARTICULAR PURPOSES & ADDITIONAL APPROACHES

Landowners are entitled to only one approach, but they may request additional approaches to the same parcel.⁴ The landowner is expected to pay the costs of additional approaches and culverts. Like approaches to existing roads, the landowner should apply for a permit, is expected to install the type of culvert approved by the town board, and is expected to pay the costs of the approach, including the culvert and installation.

³ Minn. Stat. § 160.18, subd. 2.

⁴ Minn. Stat. § 160.18, subd. 3.