

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 161.321 DEPARTMENT OF TRANSPORTATION AND TRUNK HIGHWAY SYSTEM

(a) "Award" means the granting of a contract in accordance with all applicable laws, regulations and rules governing competitive bidding except as hereinafter specifically modified.

(b) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(c) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in clause (b).

[For text of subds 2 to 6, see M.S.1978]

[ 1979 c 246 s 1 ]

### 161.465 Reimbursement for fire services.

Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire or easing or eliminating the danger of fire or explosion within the right-of-way of any state trunk highway, or outside the right-of-way if the fire originated within the right-of-way, upon approval of a police officer or an officer or employee of the department of transportation or department of public safety shall, upon certification to the commissioner of transportation by the proper official of the municipality or fire department, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of transportation shall take whatever action practicable to secure reimbursement to the trunk highway fund of moneys expended pursuant to this section from the person, firm or corporation responsible for the fire or danger thereof.

The provisions of this section shall not be construed to admit any state liability for damage or destruction to private property or for injury to persons resulting from a fire that originates within a trunk highway right-of-way.

[ 1979 c 108 s 1 ]

## CHAPTER 162. STATE-AID SYSTEM

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162.02	County state-aid highway system.	162.13	Formula.
162.07	Apportionment of moneys to counties.	162.155	Rules.
162.09	Municipal state-aid street system.		

### 162.02 County state-aid highway system.

[For text of subds 1 to 3, see M.S.1978]

Subd. 3a. **Variations, rules and engineering standards.** The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner shall publish notice of the request in the state register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within 20 days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

[For text of subds 4 to 11, see M.S.1978]

[ 1979 c 167 s 2 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## STATE-AID SYSTEM 162.09

### 162.07 Apportionment of moneys to counties.

[For text of subd 1, see M.S.1978]

Subd. 2. **Money needs defined.** For the purpose of this section, money needs of each county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county state-aid highway system in that county. Costs incidental to construction, or a specified portion thereof as set forth in the commissioner's rules and regulations may be included in determining money needs. When a county state-aid highway is located over a street in a city having a population of 5,000 or more, only the construction costs of the center 24 feet of the street shall be included in the money needs of that county; provided, that when traffic volumes warrant multiple or divided lane highways the construction costs of the necessary number of 12 foot lanes required for through traffic may be included in the money needs. When a county state-aid highway is located over a street in any city of less than 5,000 population, the construction costs of the entire width of the roadway or street surface shall be included in the money needs of that county. To avoid variances in costs due to differences in construction policy, construction costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties. Any variance granted pursuant to section 162.02, subdivision 3a shall be reflected in the estimated construction costs in determining money needs.

[For text of subs 3 to 6, see M.S.1978]

[ 1979 c 167 s 3 ]

### 162.09 Municipal state-aid street system.

Subdivision 1. **Creation.** There is created a municipal state-aid street system within cities having a population of 5,000 or more. The extent of the municipal state-aid street system shall not exceed 2,500 miles, plus the mileage of all trunk highways reverted or turned back to the jurisdiction of cities pursuant to law on and after July 1, 1965. The system shall be established, located, constructed, reconstructed, improved, and maintained as public highways within such cities under rules and regulations, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

[For text of subs 2 and 3, see M.S.1978]

Subd. 3a. **Variances, rules and engineering standards.** The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street. The commissioner shall publish notice of the request in the state register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within 20 days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

[For text of subs 4 to 10, see M.S.1978]

[ 1979 c 167 s 1,4 ]

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 162.13 STATE-AID SYSTEM

### 162.13 Formula.

[For text of subd 1, see M.S.1978]

Subd. 2. **Money needs defined.** For the purpose of this section money needs of each city having a population of 5,000 or more are defined as the estimated cost of constructing and maintaining over a period of 25 years the municipal state-aid street system in such city. Right of way costs and drainage shall be included in money needs. Lighting costs and other costs incidental to construction and maintenance, or a specified portion of such costs, as set forth in the commissioner's rules and regulations, may be included in determining money needs. When a county locates a county state-aid highway over a portion of a street in any such city and the remaining portion is designated as a municipal state-aid street only the construction and maintenance costs of the portion of the street other than the portions taken over by the county shall be included in the money needs of the city. To avoid variances in costs due to differences in construction and maintenance policy, construction and maintenance costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the engineers, or a committee thereof, of the cities. Any variance granted pursuant to section 162.09, subdivision 3a shall be reflected in the estimated construction and maintenance costs in determining money needs.

[For text of subd 3, see M.S.1978]

[ 1979 c 167 s 5 ]

### 162.155 Rules.

The commissioner shall adopt rules, no later than January 1, 1980, in accordance with sections 15.041 to 15.052, setting forth the criteria to be considered by the commissioner in evaluating requests for variances under sections 162.02, subdivision 3a and 162.09, subdivision 3a. The rules shall include, but are not limited to, economic, engineering and safety guidelines. The engineering standards adopted pursuant to section 162.07, subdivision 2, or section 162.13, subdivision 2, shall be adopted pursuant to the requirements of chapter 15 by July 1, 1980.

[ 1979 c 167 s 6 ]

## CHAPTER 164. TOWN ROADS

Sec. 164.041	Removal of levy limit; road and bridge purposes.	Sec. 164.08	Cartways.
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### 164.041 Removal of levy limit; road and bridge purposes.

It is the intent of this legislation to remove all limitations relating specifically to the authority of a town to levy taxes for road and bridge purposes and any act for a single town or for a group of towns relating specifically to a limitation on the authority of a town to levy taxes for road and bridge purposes, however stated in mills, dollars, or a per capita amount is hereby superseded; provided that nothing in Laws 1975, Chapter 268, shall be construed to permit a levy in excess of the limitations imposed by sections 275.50 to 275.59.

[ 1979 c 153 s 1 ]

### 164.08 Cartways.

[For text of subd 1, see M.S.1978]

Subd. 2. **Shall be established in certain instances.** Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road.