

CHAPTER 161

DEPARTMENT OF TRANSPORTATION

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161.086 FEDERAL AID, ALLOCATION.

Subject to applicable federal laws and rules and regulations, the commissioner of transportation is directed to allocate the federal aid secondary funds apportioned to the state of Minnesota by the United States of America in the following manner:

- (1) 35 percent of the funds for expenditure on the state federal aid secondary system;
- (2) 65 percent of the funds for expenditure on the county federal aid secondary system.

If the allocation to one of the federal aid secondary systems cannot be fully utilized on that system, the commissioner may reallocate those funds that cannot be utilized to the other federal aid secondary system, notwithstanding the provisions of clauses (1) and (2).

History: 1981 c 203 s 1

161.115 ADDITIONAL TRUNK HIGHWAYS.

[For text of routes 71 to 277, see M.S.1980]

Route No. 278. Beginning at a point on Route No. 104 at or near the westerly limits of Minneapolis; thence extending in a generally easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.

[For text of routes 279 to 335, see M.S.1980]

History: 1981 c 209 s 2

161.122 RESTRICTIONS ON MARKED TRUNK HIGHWAY NO. 51.

The location, designation, marking and numbering of Legislative Route No. 125, marked trunk highway No. 51, as that route is established, located, designated, marked and traveled southerly of University Avenue within the city of St. Paul, shall not be changed by the commissioner of transportation.

Nothing in this section shall be construed to restrict the study of options under consideration regarding the completion of Interstate 35E.

History: 1981 c 345 s 1

161.125 SOUND ABATEMENT ALONG HIGHWAYS.

Subdivision 1. The commissioner of transportation shall, in accordance with the department's program, implement sound abatement measures within or along the perimeter of any interstate or trunk highway within incorporated areas located within the metropolitan area or any municipality whenever the noise level attribut-

able to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize federal matching funds available for constructing and maintaining sound abatement measures. No standard adopted by any state agency for limiting levels of noise in terms of sound pressure in the outdoor atmosphere shall apply to any interstate highway.

[For text of subd 3, see M.S.1980]

History: 1981 c 357 s 49

161.16 TEMPORARY TRUNK HIGHWAYS; DEFINITELY LOCATED TRUNK HIGHWAYS; VACATION AND REVERSION.

[For text of subs 1 to 3, see M.S.1980]

Subd. 4. **Reversion or conveyance to another road authority.** (a) If the commissioner makes a change in the definite location of a trunk highway as provided in this section, the portion of the existing road that is no longer a part of the trunk highway by reason of the change and all right, title, and interest of the state in the trunk highway shall revert to the road authority originally charged with the care of that trunk highway.

(b) If the portion had its origin as a trunk highway, it shall become a county highway unless it lies within the corporate limits of a city, in which case it shall become a street of the city. When the existing road that is no longer a part of the trunk highway by reason of the change lies within a city of less than 5,000 population, the portion shall revert to the county if the portion meets the criteria for a county state-aid highway. In municipalities of over 5,000 population that portion of the road may revert to the county if the appropriate authorities of the state, county and the various cities through which the route passes so agree. Should any city not agree that the portion of the roadway that passes through it shall revert to county jurisdiction, the portion shall not so revert, although the other portions of the roadway in which agreement has been reached shall revert to county jurisdiction. Notwithstanding the other provisions of this chapter or other applicable laws and regulations, the commissioner may convey and quitclaim to a county, city, or other political subdivision all or part of the right of way of the existing road that is no longer a part of the trunk highway by reason of the commissioner's order or orders. The conveyance shall be for highway purposes, and the future cost of maintenance, improvement, or reconstruction of the highway and the contribution of that highway to the public highway system is reasonable and proper consideration for the conveyance. Extra Session Laws 1967, Chapter 11 shall apply to all trunk highways reverted before the date of its enactment.

[For text of subs 5 and 6, see M.S.1980]

History: 1981 c 209 s 3

161.242 JUNK YARD ACT.

[For text of subs 1 to 3, see M.S.1980]

Subd. 4. **Authority.** The commissioner shall screen junk yards when required by this section at locations on the right-of-way of the highway or on lands within 1,000 feet of the right-of-way and shall pay for the costs thereof. If screening is not feasible because of economic or topographic reasons, the commissioner shall secure the removal, relocation or disposal of such junk yard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the

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other provisions of this section, if a junk yard exists within one-half mile of the right-of-way of any trunk highway and is visible from the highway, the commissioner may acquire easements for screening purposes up to one-half mile from the edge of the right-of-way of the highway. The commissioner shall acquire such rights and interest in property, personal or real, necessary to carry out the purposes of this section by purchase, gift, or eminent domain proceedings and shall pay just compensation therefor. The commissioner shall not expend any money to acquire rights or interests in junk yards under this section, except those for which acquisition proceedings were begun before June 8, 1979 or for which federal money has been appropriated by Congress for junk yards described in Title 23, United States Code, Section 136(j) and the federal share has been made available to the commissioner. All costs described herein shall be necessary for a highway purpose.

[For text of subs 5 to 8, see M.S.1980]

History: 1981 c 357 s 50

161.32 MANNER OF CONDUCTING WORK ON TRUNK HIGHWAY.

[For text of subd 1, see M.S.1980]

Subd. 2. **Direct negotiation.** In cases where the estimated cost of construction work or maintenance work does not exceed \$75,000, the commissioner may enter into a contract for the work by direct negotiation, by obtaining two or more quotations for the work, and without advertising for bids or otherwise complying with the requirements of competitive bidding if the total contractual obligation of the state for the directly negotiated contract or contracts on any single project does not exceed \$75,000. All quotations obtained shall be kept on file for a period of at least one year after receipt of the quotation.

[For text of subs 3 to 5, see M.S.1980]

History: 1981 c 209 s 4

161.36 FEDERAL AID.

[For text of subs 1 to 4, see M.S.1980]

Subd. 5. **Funds to be deposited in state treasury.** All funds accepted for disbursement by the commissioner pursuant to this section shall be deposited in the state treasury and, unless otherwise prescribed by the authority from which the funds are received, kept in separate accounts designated according to the purposes for which the funds were made available and held by the state in trust for those purposes. All funds are appropriated for the purposes for which the funds are made available to be expended in accordance with this section and with federal laws and regulations. The commissioner may, whether acting for the state of Minnesota or as the agent of any of its governmental subdivisions or when requested by the United States government or any agency or department of the United States government, disburse funds for the designated purposes, but this shall not preclude any other authorized method of disbursement. For the purpose of providing sufficient funds in the accounts established pursuant to this subdivision to meet expenditure requirements occurring before federal or other public or private reimbursements, the commissioner of finance, at the request of the commissioner, may borrow from available balances of the county state-aid highway fund or the municipal state-aid street fund. The terms and conditions of any loans shall be determined by the commissioner of finance. The amount borrowed

shall not exceed in the aggregate the amount of federal aid allotted to the construction of roads and bridges under the jurisdiction of governmental subdivisions and under project appropriation by the federal government. When there is sufficient money in the account that received the loan, the state treasurer shall transfer from that account to the other public fund the amount so loaned.

[For text of subd 6, see M.S.1980]

History: 1981 c 209 s 5

161.38 TRUNK HIGHWAYS IN MUNICIPALITIES, CONSTRUCTION AGREEMENTS, IMPROVING TRUNK HIGHWAYS TO GREATER THAN NORMAL WIDTH.

[For text of subs 1 to 5, see M.S.1980]

Subd. 6. **Withholding state aid.** If any municipality fails to fulfill its obligations as provided in any mutual agreement entered into pursuant to this section, the commissioner may retain and withhold payment of any state aid money apportioned to such municipality under the provisions of sections 162.01 to 162.181 until such municipality fulfills its obligations under the agreement. If the obligation which the municipality has failed to fulfill is a monetary obligation, the amount of state aid money which the commissioner may withhold shall not exceed the amount of the monetary obligation in default. If the obligation is other than a monetary obligation, the commissioner may withhold a reasonable amount of such state aid money until the municipality fulfills the obligation.

[For text of subd 7, see M.S.1980]

History: 1Sp1981 c 4 art 1 s 83

161.46 REIMBURSEMENT OF UTILITIES.

[For text of subs 1 and 2, see M.S.1980]

Subd. 3. **Lump sum settlements.** The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed \$25,000.

[For text of subs 4 and 5, see M.S.1980]

History: 1981 c 209 s 6

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 public safety shall, upon certification to the commissioner of public safety by the proper official of the municipality or fire department within 60 days after the completion of the service, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of public safety 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.

History: 1981 c 32 s 1

CHAPTER 162

STATE-AID SYSTEM

162.08 Allocation of apportionments.

162.09 Municipal state-aid street system.

162.08 ALLOCATION OF APPORTIONMENTS.*[For text of subds 1 and 2, see M.S.1980]*

Subd. 3. **Aid to townships.** Any county having within its boundaries organized town governments may, by resolution, allocate to the towns within its boundaries so much of the money apportioned to it under the provisions of sections 162.01 to 162.181, that it deems necessary to aid the townships in the construction of town roads. The resolution shall set forth the amount of money or the percentage of its apportionment that the county has allocated to the towns. A certified copy of the resolution shall be forwarded to the commissioner on or before the second Tuesday of January of each year. Upon receipt of such resolution and as soon as he has determined the amount of money to be apportioned to the county, the commissioner shall certify to the commissioner of finance the amount of money, as set forth in the resolution, that is to be paid out of the county's apportionment for distribution to the towns. The commissioner of finance shall thereupon issue a warrant in that amount payable to the county treasurer, and the proceeds thereof shall be distributed by the county to the towns. All money so allocated and distributed shall be used by the towns solely for the construction of town roads. Each county board so allocating such funds may devise a formula taking into account each town's levy for road and bridge purposes, its mileage of town roads and population outside the corporate limits of all cities within the township, and such other factors as the county board shall deem advisable as a means of dividing the allocation among the several towns in order that such division among the towns be as equitable as possible. No part of the money allocated for expenditure solely within cities having a population of less than 5,000 shall be allocated or distributed to the towns. The commissioner of transportation shall maintain a permanent record of the allocations of county state-aid-highway funds to the townships in each county. In making the annual apportionments of county state-aid highway funds, he shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not making such township allotments.

*[For text of subds 4 to 11, see M.S.1980]***History:** 1Sp1981 c 4 art 1 s 84**162.09 MUNICIPAL STATE-AID STREET SYSTEM.***[For text of subds 1 to 3a, see M.S.1980]*

Subd. 4. **Federal census to be conclusive.** (a) In determining whether any city has a population of 5,000 or more, the last federal census shall be conclusive.

(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its

population is determined to be 5,000 or over by a federal census. The governing body of the city may contract with the United States bureau of the census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city.

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

[For text of subds 5 to 10, see M.S.1980]

History: 1981 c 357 s 52; 1Sp1981 c 4 art 4 s 60