

CHAPTER 161

TRUNK HIGHWAY SYSTEM

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161.041 TRANSPORTATION SERVICES FUND.

Subdivision 1. **Fund created.** A transportation services fund is created in the state treasury. The fund consists of all money required or made available by law to be deposited in the fund.

Subd. 2. **Uses of fund.** Money in the transportation services fund may only be expended by appropriation for:

(1) activities of the commissioner of public safety relating to (i) driver licensing, (ii) motor vehicle registration and licensing, (iii) the accident reporting system, and (iv) the state patrol;

(2) activities of the commissioner of transportation relating to oversize and overweight permits, including the cost of necessary highway maintenance and preservation related to granting those permits;

(3) activities of the commissioner of transportation related to junkyard screening and control of outdoor advertising devices;

(4) activities of the transportation regulation board related to motor carrier regulation;

(5) repayment of money borrowed for new buildings, and improvements to existing buildings, of the department of transportation;

(6) railroad grade crossing protection studies, grade crossing inventories, and grade crossing public education; and

(7) activities of the transportation study board.

History: 1991 c 298 art 5 s 1

161.082 COUNTY TURNBACK ACCOUNT, EXPENDITURE.

[For text of subs 1 and 2, see M.S.1990]

Subd. 2a. **Town bridges and culverts; town road account.** An amount equal to 25 percent of the county turnback account must be expended, within counties having two or more towns, on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account. When bridge approach construction work exceeds \$10,000 in costs, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be limited to 90 percent of the cost of the bridge approach work that is in excess of \$10,000 and shall be requested by resolution of the county board.

An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081.

History: 1991 c 351 s 1

161.14 NAMES AND DESIGNATIONS OF CERTAIN HIGHWAYS.

[For text of subds 1 to 24, see M.S.1990]

Subd. 25. **Paul Bunyan Expressway.** That portion of trunk highway marked No. 371 from Little Falls to its intersection with trunk highway marked No. 2 in Cass Lake and that portion of trunk highway marked No. 2 from its intersection with trunk highway marked No. 371 in Cass Lake to Bemidji, is named and designated the "Paul Bunyan Expressway." The commissioner shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs.

Subd. 26. **Disabled American Veterans Highway.** That portion of Constitutional Route No. 3, known as trunk highway No. 61, from the easterly limits of the city of St. Paul to the boundary line between the states of Minnesota and Wisconsin is designated the "Disabled American Veterans Highway." The roadside rest area on trunk highway No. 61 at Lake City is designated the disabled American veterans rest area. The commissioner of transportation shall adopt a suitable marking design to mark this highway and rest area and shall erect the appropriate signs.

History: 1991 c 248 s 1; 1991 c 274 s 1

161.17 APPROVAL OF PLANS.

Subd. 2. **Interstate system.** It is hereby declared that construction of the interstate system of highways will vitally affect the future development of the cities through which these routes pass and such municipalities should have an important role in the development of this highway system; that on the other hand the future planning and programming of construction projects over a period of years is necessary to take maximum advantage of federal aid and to build a unified and coordinated interstate system; that excessive delay in local approval of plans for construction of one segment may seriously impede completion of the entire system and adversely affect other municipalities along the interstate routes; that the mutual exchange of information and close cooperation between the department and local governing bodies should be encouraged by improved administrative processes for securing orderly review of plans and the resolution of differences over interstate routes and projects; and that the provisions of sections 161.171 to 161.177 for local approval of trunk highway plans must be modified for the interstate highway system in the light of these various considerations. Before proceeding with the preparation of the final plans for the construction, reconstruction, or improvement of any route on the interstate system lying within any city, the commissioner shall submit to its governing body preliminary plans covering the route location. The preliminary plans shall be submitted as part of a report containing such supporting data that the commissioner deems helpful to the governing body in appraising the plans submitted.

Any public hearing on location of an interstate route held in compliance with federal requirements shall be held at least one month after submission to the governing body of the report provided for in this subdivision. After the public hearing and on preparing final plans, the commissioner shall submit the final plans to the governing body for approval. If the governing body does not approve the final plans within three months after submitted, the commissioner may refer the plans to (1) the Twin Cities Metropolitan Area Planning Commission, if the project is within the area of its jurisdiction, or (2) the municipal advisory committee on state-aid rules established under section 162.09, subdivision 2, if the project is elsewhere in the state. If a member of the advisory committee is from the municipality concerned that member shall be excused. If the plans are so referred, the commission or committee shall give the commissioner and the governing body ample opportunity to present the case for or against approval of the plans so referred. Not later than three months after such hearings and independent study as it deems desirable, it shall approve or disapprove such plans, making such additional recommendations consistent with state and federal requirements as it deems appropriate, and it shall submit a written report containing its findings and recommendations to the commissioner and the governing body. The commissioner shall not proceed with the proposed construction, reconstruction, or improvement except in

accordance with plans approved by the governing body or, if referred to the commission or committee, until after the commission or committee has made its report, and then only after the governing body has had an additional 90 days within which to consider the plans originally submitted or such modified plans as may be submitted to it by the commissioner following the report of the commission or committee. If within such 90-day period, the governing body does not approve the plans submitted to it, and if the commissioner then wishes to proceed with the project according to plans differing substantially from the plans recommended by the commission or committee in its report, the commissioner shall, before proceeding with the project, file a written report with the commission or committee and the governing body stating fully the reasons for doing so. Whenever plans are referred to the Twin Cities Metropolitan Area Planning Commission, the commission shall be reimbursed from the trunk highway fund for actual and necessary expenses incurred by the commission in staff work incident to consideration of plans and action thereon by the commission. Whenever plans are referred to the advisory committee on rules, members of the committee shall be paid their necessary expenses to the same extent and in the same manner as for its duties in considering the commissioner's rules.

History: 1991 c 199 art 1 s 55

161.20 GENERAL POWERS OF COMMISSIONER.

[For text of subs 1 to 3, see M.S.1990]

Subd. 4. Debt collection. The commissioner shall make reasonable and business-like efforts to collect money owed for licenses, fines, penalties, and permit fees or arising from damages to state-owned property or other causes related to the activities of the department of transportation. The commissioner may contract for debt collection services for the purpose of collecting a money judgment or legal indebtedness. The commissioner may enter into an agreement with the commissioner of public safety to use debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited to the appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contractual collection costs is appropriated from the fund in which money so collected is deposited.

[For text of subd 5, see M.S.1990]

History: 1991 c 339 s 3

161.242 JUNK YARD ACT.

[For text of subd 1, see M.S.1990]

Subd. 2. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Junk yard" means an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota pollution control agency, any of which are wholly or partly within one half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

(c) "Dealer" means any person, partnership, or corporation engaged in the operation of a junk yard.

(d) "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries,

paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(e) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(f) "Unzoned industrial area" means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and the land within 1,000 feet thereof which is located on the same side of the highway as the principal part of said activity, and not predominantly used for residential or commercial purposes, and not zoned by state or local law, regulation or ordinance.

(g) "Industrial activities" means those activities permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the state, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the state, except that none of the following shall be considered industrial activities:

(1) outdoor advertising devices as defined in Minnesota Statutes 1969, section 173.02, subdivision 2;

(2) agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;

(3) activities normally and regularly in operation less than three months of the year;

(4) activities not visible from the traffic lanes of the main traveled way;

(5) activities conducted in a building principally used as a residence;

(6) railroad tracks, minor sidings, and passenger depots; or

(7) junk yards, as defined in paragraph (b).

(h) "Hazard signs" means signs listed in the Minnesota drivers' manual published by the department of public safety, signs required by the state fire code, and other signs related to road or fire hazards and approved for use by the state or a political subdivision.

[For text of subs 3 to 6, see M.S.1990]

Subd. 6a. Hazard signs must be accepted. A dealer shall accept hazard signs only from a properly identified elected official or employee of the state or a political subdivision, who is acting within the scope of the person's official duties. A dealer is not required to pay or otherwise compensate any person or organization for taking possession of a hazard sign and is not required to take possession at a place away from the site of the dealer's junk yard.

[For text of subs 7 and 8, see M.S.1990]

History: 1991 c 197 s 2,3

161.361 ADVANCE FUNDING FOR TRUNK HIGHWAY PROJECTS.

Subdivision 1. Advance funding. A road authority other than the commissioner may by agreement with the commissioner make advances from any available funds to the commissioner to expedite construction of all or part of a trunk highway. Money may be advanced under this section only for projects already included in the commissioner's highway work program.

Subd. 2. Repayment. Subject to the availability of state money, the commissioner shall repay without interest the amount advanced under subdivision 1, up to the state's share of project costs, at the time the project is scheduled for completion in the highway work program. The total amount of annual repayment to road authorities under this section must never exceed the amount stated in the department's debt management policy or \$10,000,000, whichever is less.

History: 1991 c 298 art 4 s 4

161.53 RESEARCH ACTIVITIES.

The commissioner may set aside for transportation research in each fiscal year up to one percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend 0.1 percent, but not exceeding \$800,000 in any fiscal year, for research and related activities performed by the center for transportation studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

History: 1991 c 298 art 8 s 1