

CHAPTER 162

STATE-AID ROAD SYSTEMS

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162.02 COUNTY STATE-AID HIGHWAY SYSTEM.

[For text of subd 1, see M.S.2004]

Subd. 2. Rules; advisory committee. (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. In the event that agreement cannot be reached on any rule, the commissioner's determination shall be final. The rules shall be printed and copies forwarded to the county engineers of the several counties. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

[For text of subd 3, see M.S.2004]

Subd. 3a. Variances from rules and engineering standards. The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.021 or 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 seven 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 purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

[For text of subs 4 to 12, see M.S.2004]

History: 1Sp2005 c 6 art 3 s 9,10

162.031 CONSTRUCTION ACROSS ANOTHER COUNTY OR STATE.

When a county state-aid highway route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the highway across a portion of another county or state, the county initiating the construction is authorized to spend county state-aid highway funds for that purpose in the same manner as other expenditures for county state-aid highway purposes are made. No part of that highway may be constructed in another county until both counties approve the construction.

History: 1Sp2005 c 6 art 3 s 16

162.06 ACCRUALS TO COUNTY STATE-AID HIGHWAY FUND; ACCOUNTS.

[For text of subd 1, see M.S.2004]

Subd. 2. **Administrative costs of department.** Two percent must be deducted from the total amount available in the county state-aid highway fund, set aside in a separate account, and used for administrative costs incurred by the state Transportation Department in carrying out the provisions relating to the county state-aid highway system.

[For text of subds 3 to 6, see M.S.2004]

History: 1Sp2005 c 6 art 3 s 11

162.08 ALLOCATION OF APPORTIONMENTS.

[For text of subds 1 and 2, see M.S.2004]

Subd. 3. **Aid to towns.** (a) 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 in the construction of town roads, including replacement of town road signs. 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 upon determining 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, including replacement of town road signs.

(b) 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 for the townships in each county.

(c) In making the annual apportionments of county state-aid highway funds, the commissioner shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not making such allotments. In complying with this paragraph, the commissioner shall disregard allotments to towns for replacement of town road signs.

[For text of subds 4 to 11, see M.S.2004]

History: 1Sp2005 c 6 art 3 s 12

162.09 MUNICIPAL STATE-AID STREET SYSTEM.

[For text of subd 1, see M.S.2004]

Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee selected by the governing bodies of such cities, acting through the officers of the statewide association of municipal officials. The committee shall be composed of 12 members, so selected that there shall be one member from each state highway construction district and in addition one member from each city of the first class. Not more than six members of

the committee shall be elected officials of the cities. The remaining members of the committee shall be city engineers. In the event that agreement cannot be reached on any rule the commissioner's determination shall be final. The rules shall be printed and copies forwarded to the clerks and engineers of the cities. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

[For text of subd 3, see M.S.2004]

Subd. 3a. Variances from rules and engineering standards. (a) 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.

(b) 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 seven 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.

(c) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

[For text of subds 4 to 10, see M.S.2004]

History: 1Sp2005 c 6 art 3 s 13,14

162.091 CONSTRUCTION ACROSS ANOTHER MUNICIPALITY OR STATE.

When a municipal state-aid street route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the street across a portion of another municipality or state, the municipality initiating the construction is authorized to spend municipal state-aid street funds for that purpose in the same manner as other expenditures for municipal state-aid street purposes are made. No part of that street may be constructed in another municipality until both municipalities approve the construction.

History: 1Sp2005 c 6 art 3 s 17

162.14 APPORTIONMENT TO CITIES.

[For text of subds 1 to 5, see M.S.2004]

Subd. 6. Advances. Any such city may make advances from any funds available to it for the purpose of expediting the construction, reconstruction, improvement, or maintenance of its municipal state-aid street system. Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

History: 1Sp2005 c 6 art 3 s 15