

8820.1800 TRANSFER FOR HARDSHIP CONDITION OR LOCAL OTHER USE.

Subpart 1. **Hardship.** When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation off an approved state-aid system, it shall certify to the commissioner that it is experiencing a hardship condition in regard to financing its local roads or streets while holding its current road and bridge levy or budget equal to or greater than the levy or budget for previous years. Approval may be granted only if the county board or governing body of an urban municipality demonstrates to the commissioner that the request is made for good cause. If the requested transfer is approved, the commissioner, without requiring progress reports and within 30 days, shall authorize either immediate payment of at least 50 percent of the total amount authorized, with the balance to be paid within 90 days, or schedule immediate payment of the entire amount authorized on determining that sufficient funds are available.

Subp. 2. **Other local use.** When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation on local roads or streets not on an approved state-aid system, it shall certify to the commissioner that its state-aid routes are improved to state-aid standards or are in an adequate condition that does not have needs other than additional surfacing or shouldering needs identified in its respective state-aid needs report. That portion of the county or city apportionment attributable to needs must not be used on the local system.

A construction project for a local road or street not on an approved state-aid system and not designed to state-aid standards must not be given final approval by the State Aid for Local Transportation Division unless the plan is accompanied by a resolution from the respective county board or urban municipality that indemnifies, saves, and holds harmless the state of Minnesota and its agents and employees from claims, demands, actions, or causes of action arising out of or by reason of a matter related to constructing the local road or street as designed. The resolution must be approved by the respective county board or urban municipality and agree to defend at the sole cost of the county or urban municipality any claim arising as a result of constructing the local road or street.

Payment for the project must be made in accordance with part 8820.1500, subparts 1 to 5.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; L 1983 c 17*

History: *8 SR 2146; 15 SR 2596; 23 SR 1455*

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