

8820.3000 ADDITIONAL CONTROLS ON EXPENDITURES.

Subpart 1. **Conformity.** In addition to those provisions previously mentioned, expenditures of state-aid funds by a county or urban municipality must conform to the following rules in subparts 2 to 7.

Subp. 2. **Legal requirements.** State-aid construction projects must comply with federal, state, and local laws, together with ordinances, rules, and regulations applicable to the work. Responsibility for compliance rests entirely with the local unit of government.

Subp. 3. **Bridge plans.** Plans for bridge construction or bridge reconstruction projects must be approved by the bridge engineer of the Minnesota Department of Transportation prior to the approval by the state-aid engineer.

Subp. 4. **Reports and records.** Annual reports, status maps, and maintenance and construction reports and records must be filed at the time and in the form specifically requested by the commissioner or authorized representatives of the commissioner.

Subp. 5. **Noncompliance.** The commissioner, upon determination that a county or urban municipality has failed to comply with the established state-aid requirements other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of a portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of the county's or urban municipality's apportionment that must be retained until a time when suitable compliance is accomplished or the obligation fulfilled, as the case may be. The amount withheld must reasonably approximate the extent of the noncompliance or the value of the unfulfilled obligation.

Subp. 6. **Defective work.** When unsatisfactory conditions are found to exist on an approved construction project, the district state-aid engineer may, if necessary, order the suspension of all work affected until the unsatisfactory condition is satisfactorily corrected. Failure to conform with the suspension order must be considered willful noncompliance. Work or materials which fail to conform to the requirements of the contract or force account agreement must be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with subpart 5, or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

Subp. 7. **Engineering and technical assistance.** The commissioner may, as authorized by law, execute agreements with a county or urban municipality or other governmental unit for technical assistance from the Department of Transportation. These services, if furnished, must be paid for by the governmental subdivision at the rates established by the Department of Transportation.

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

History: *8 SR 2146; 17 SR 1279*

Published Electronically: *October 15, 2007*