

CHAPTER 162

STATE-AID SYSTEM

Sec.		Sec.	
162.01	Definitions	162.12	Accruals to municipal state-aid street fund
162.02	County state-aid highway system	162.13	Formula
162.03	Establishment along common boundary lines	162.14	Apportionment to cities and villages
162.04	Limitation on payment of contract price	162.15	Administrative costs
162.05	Payments into county state-aid highway fund	162.16	Investment of money in county state-aid highway fund or municipal state-aid street fund
162.06	Accruals to county state-aid highway fund	162.17	Agreements between county boards and cities and villages
162.07	Apportionment of moneys to counties	162.18	Bonds; municipal
162.08	Allocation of apportionments	162.181	Bonds; county
162.09	Municipal state-aid street system	162.19	Appropriation
162.10	Limitation on payment of contract prices		
162.11	Percentage of highway user distribution fund paid to municipal state-aid street fund		

162.01 M.S. 1957 Subds. 1-5 [Repealed, 1959 c 500 art 6 s 13]

Subd. 6. [Repealed, 1951 c 120 s 1]

Subd. 7. [Obsolete]

Subd. 8. [Superseded by last sentence of subd. 5]

Subd. 9. [Repealed, 1959 c 500 art 6 s 13]

162.01 DEFINITIONS. For the purposes of this chapter the terms defined in section 160.02 shall have the same meaning.

[1959 c 500 art 3 s 1]

162.015 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.02 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.02 COUNTY STATE-AID HIGHWAY SYSTEM. Subdivision 1. **Creation.** There is created a county state-aid highway system which shall be established, located, constructed, reconstructed, improved, and maintained as public highways by the several counties under rules and regulations not inconsistent with this section made and promulgated by the commissioner as hereinafter provided. The several counties are vested with all rights, title, easements, and appurtenances thereto appertaining, held by or vested in any of the towns or municipal subdivision thereof or dedicated to the public use prior to the time any such road or any portion thereof is taken over by the county as a county state-aid highway. If a county state-aid highway is established over a center portion of any street in a city, village, or borough having a population of over 5,000, then the remaining portion of the street may be established as a municipal state-aid street.

Subd. 2. Rules and regulations. The rules and regulations shall be made and promulgated by the commissioner acting with the advice of a committee which shall be 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 or regulation the commissioner's determination shall be final. The rules and regulations shall be printed and copies thereof shall be forwarded to the county auditors and the county engineers of the several counties.

Subd. 3. Rules and regulations to have force and effect of law. The rules and regulations shall have the force and effect of law upon compliance with the provisions of section 15.0412.

Subd. 4. Location and establishment. The county boards of the several counties shall by resolution and subject to the concurrence of the commissioner locate and establish a system of county state-aid highways in accordance with the rules and regulations made and promulgated by the commissioner. It shall be the duty of the commissioner to review each system considering the availability of funds and the desirability of each system in relation to an integrated and coordinated system of highways. After review the commissioner shall by written order approve

each system or any part thereof which in his judgment is feasible and desirable. A certified copy of the order shall be filed with the county auditor and the county engineer.

Subd. 5. Acquisition of land necessary. The several county boards shall have power to acquire by purchase, gift, or condemnation in accordance with the provisions of chapter 117, and acts supplemental thereto, lands and properties necessary for the establishment, location, relocation, construction, reconstruction, improvement, and maintenance of the county state-aid highway system or as in section 163.12, subdivisions 1 to 10 inclusive.

Subd. 6. System to include certain roads. The system shall include all roads and extensions thereof which were designated on June 30, 1957, as state-aid roads, and which were on June 30, 1957, under the jurisdiction of the counties, and shall include all roads which were designated on June 30, 1957, as state-aid parkways; provided, that with the consent and approval of the commissioner, any roads made a part of the county state-aid highway system by the provision of this subdivision may be abandoned, changed, or revoked by the county board having jurisdiction over such roads.

Subd. 7. Establishment of system in new location or over established roads. The county board of any county may establish and locate any county state-aid highway on new location where there is no existing road, or it may establish and locate the highway upon or over any established road or street or a specified portion thereof within its limits; provided, that no county state-aid highway shall be established or located within the corporate limits of any city, village, or borough without the approval of the governing body of the city, village, or borough, except that when a county state-aid highway is relocated the approval of the plans by the governing body shall be deemed to be a transfer of the previous location of the highway to the jurisdiction of the city, village, or borough. The approval shall be in the manner and form required by the commissioner.

Subd. 8. Approval by city, village, or borough. No portion of the county state-aid highway system lying within the corporate limits of any city, village, or borough shall be constructed, reconstructed, or improved nor the grade thereof changed without the prior approval of the plans by the governing body of such city, village, or borough and the approval shall be in the manner and form required by the commissioner.

Subd. 9. Commissioner's power. When it shall be made to appear to the commissioner that the county board of any county has refused to locate and establish a county state-aid highway which in the opinion of the commissioner is necessary to provide an integrated and coordinated highway system, the commissioner may, until the county state-aid highway is located and established, withhold from the county so much of the county's share of the county state-aid highway fund as he deems advisable.

Subd. 10. Abandonment or revocation. County state-aid highways may be abandoned, changed, or revoked by joint action of the county board and the commissioner. If a county state-aid highway is established or located within the limits of a city, village, or borough, it shall not be abandoned, changed, or revoked without the concurrence of the governing body of such city, village, or borough; provided, that any county state-aid highway established or located within a city, village, or borough may be abandoned, or revoked without concurrence if the city, village, or borough refuses or neglects for a period of one year after submittal to approve plans for the construction of such highway which plans conform to the construction standards provided in the commissioner's rules and regulations.

Subd. 11. Reverted trunk highways to form part of system. The county state-aid highway system is hereby increased in extent from the 30,000 miles authorized by Article XVI, Section 3, of the Minnesota Constitution by the addition thereto of the mileage of all trunk highways reverted or turned back to the jurisdiction of the counties pursuant to law on and after July 1, 1965.

[1959 c 500 art 3 s 2; 1967 c 320 s 1; 1969 c 63 s 1]

162.03 M.S. 1945 [Local, Ramsey county]

162.03 ESTABLISHMENT ALONG COMMON BOUNDARY LINES. The county boards of two or more counties may with the consent of the commissioner establish and locate a county state-aid highway along or near the common boundary line of the counties. The county boards of the counties may enter into agree-

ments providing for the division of costs and responsibility to be borne by each for right of way, construction, improvement, and maintenance of such county state-aid highway.

[1959 c 500 art 3 s 3]

162.04 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.04 LIMITATION ON PAYMENT OF CONTRACT PRICE. Whenever the construction or improvement of any county state-aid highway is to be done by contract, the county board may agree in the contract to pay the contractor on account an amount not to exceed 90 percent of the value of the work from time to time actually completed as shown by monthly estimates thereof, made by the county engineer on the basis of the contract prices. In such case it shall be lawful for the county auditor to issue a warrant on the county treasurer to the contractor for an amount equal to the specified percentage of the value of the work so completed and specified in the engineer's monthly estimate without allowance of a claim therefor by the county board.

[1959 c 500 art 3 s 4]

162.05 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.05 PAYMENTS INTO COUNTY STATE-AID HIGHWAY FUND. In addition to the 29 percent of the net highway user tax distribution fund there shall be paid into the county state-aid highway fund all moneys accruing from the income derived from the investments in the internal improvement land fund.

[1959 c 500 art 3 s 5]

162.06 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.06 ACCRUALS TO COUNTY STATE-AID HIGHWAY FUND. Subdivision 1. **Estimate.** On or before the second Tuesday of January of each year the commissioner shall estimate the probable sum of money that will accrue to the county state-aid highway fund during the first six months of each year ending June 30. To such estimated amounts he shall add the sum of money already accrued in the county state-aid highway fund for the last preceding six month period ending December 31 of each year. The total of such sums except for deductions to be first made as provided herein shall be apportioned to the several counties as hereinafter provided.

Subd. 2. **Reimbursement of administrative costs of state highway department.** From the total of such sums the commissioner shall deduct a sum equal to one and one-half percent of the total sum. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administrative costs incurred by the state highway department in carrying out the provisions relating to the county state-aid highway system. On the 31st day of December of each year any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided shall be transferred to the county state-aid highway fund.

Subd. 3. **Disaster account.** After deducting administrative costs as provided in subdivision 2 of this section, the commissioner shall set aside a sum of money as is necessary to provide for the calendar year a disaster account of \$300,000. This sum shall be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship. Any county desiring aid by reason of such disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of three county engineers and three county commissioners from counties other than the requesting county. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the county from the disaster account shall be made by the commissioner. If the commissioner determines to aid any such county he shall certify to the state auditor the amount of the aid, and the state auditor shall thereupon issue a warrant in that amount payable to the county treasurer of the county. Money so paid shall be expended on the county state-aid highway system in accordance with the rules and regulations of the commissioner.

Subd. 4. **Research account.** Each year the screening board, provided for in section 162.07, subdivision 5, may recommend to the commissioner a sum of money that the commissioner shall set aside from the county state-aid highway fund

and credit to a research account. The amount so recommended and set aside shall not exceed one-quarter of one percent of the preceding year's apportionment sum. Any money so set aside shall be used by the commissioner solely for the purpose of conducting research in methods of and materials for the construction and maintenance of county state-aid highways. Any balance remaining in the research account at the end of each year shall be transferred to the county state-aid highway fund.

Subd. 5. State park road account. After deducting for administrative costs and for the disaster account and research account as heretofore provided from the remainder of the total sum provided for in subdivision 1, there shall be deducted a sum equal to three quarters of one percent of the remainder but not to exceed the sum of \$200,000 annually. The sum so deducted shall be set aside in a separate account and shall be used for the establishment, location, relocation, construction, reconstruction and improvement of those roads included in the county state-aid highway system under Minnesota Statutes 1961, Section 162.02, Subdivision 6 which provide access to the headquarters of or the principal parking lot located within a state park. At the request of the commissioner of natural resources the counties wherein such roads are located shall do such work as requested in the same manner as on any other county state-aid highway and shall be reimbursed for such construction, reconstruction or improvements from the amount set aside by this subdivision. Any sums paid to counties in accordance with this subdivision shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not receiving such payments. Any balance of the amount so set aside, at the end of each year shall be transferred to the county state-aid highway fund.

[1959 c 500 art 3 s 6; 1963 c 75 s 1; 1963 c 589 s 1; 1965 c 239 s 1; 1967 c 335 s 1; 1969 c 1129 art 3 s 1]

162.07 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.07 APPORTIONMENT OF MONEYS TO COUNTIES. Subdivision 1. **Formula.** After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total miles of approved county state-aid highways bears to the total miles of approved statewide county state-aid highways.

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Subd. 2. Money needs defined. For the purpose of this section, money needs of each county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county state-aid highway system in that county. Costs incidental to construction, or a specified portion thereof as set forth in the commissioner's rules and regulations may be included in determining money needs. When a county state-aid highway is located over a street in a city, village, or borough having a population of 5,000 or more, only the construction costs of the

center 24 feet of the street shall be included in the money needs of that county; provided, that when traffic volumes warrant multiple or divided lane highways the construction costs of the necessary number of 12 foot lanes required for through traffic may be included in the money needs. When a county state-aid highway is located over a street in any city, village, or borough of less than 5,000 population, the construction costs of the entire width of the roadway or street surface shall be included in the money needs of that county. To avoid variances in costs due to differences in construction policy, construction costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties.

Subd. 3. Computations for rural counties. A two mill levy on each rural county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of such county. For the purpose of this section, rural counties shall be construed to mean all counties having a population of less than 200,000.

Subd. 4. Computation for urban counties. A one and two-tenths mill levy on each urban county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of the county. For the purpose of this section urban counties shall be construed to mean all counties having a population of 200,000 or more.

Subd. 5. Screening board. On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of nine county engineers. The board shall be so selected that each county engineer appointed shall be from a different state highway construction district. No county engineer shall be appointed so as to serve consecutively for more than two years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the mileage of each system and the money needs of each county shall be made by the commissioner.

Subd. 6. Estimates to be made if information not provided. In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted.

[1959 c 500 art 3 s 7; 1963 c 589 s 2]

162.08 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.08 ALLOCATION OF APPORTIONMENTS. Subdivision 1. **Allocation.** When the commissioner has determined the sum of money to be apportioned to each county as hereinbefore provided, he shall allocate a percentage of such sum for expenditure solely on those portions of each county's county state-aid highways located within cities, villages, and boroughs having a population of less than 5,000, according to the last federal decennial census, or, if incorporated during the ten-year period between federal decennial censuses, according to their incorporation census. The percentage so allocated shall equal the percentage that the total needs of the county state-aid highway system in such cities, villages, and boroughs bears to the total county state-aid highway needs in each county. Money so allocated shall be set apart and credited to the municipal account of each county.

Subd. 2. Statement. As soon as the commissioner has determined the amount of money to be apportioned to each of the counties, and as soon as he has determined of such amount the sum to be allocated for expenditure on those county state-aid highways located within cities, villages, and boroughs having a population of less than 5,000, he shall forthwith send a statement of the amount to the

state auditor, and the county auditor and county engineer of each county. The amounts so apportioned and allocated to each county shall be paid by the state to the treasurer of each county out of the county state-aid highway fund as hereinafter provided, and in accordance with rules and regulations made and promulgated by the commissioner not inconsistent herewith.

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 162.19, 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 state auditor 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 state auditor 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 villages 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, villages and boroughs having a population of less than 5,000 shall be allocated or distributed to the towns. The commissioner of highways 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.

Subd. 4. Purposes. Except as provided in subdivision 3 money so apportioned and allocated to each county shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the county state-aid highway system within each county including the expense of signals and safety devices on such system approved by the commissioner; provided, that in the event of hardship, or in the event that the county state-aid highway system of any county is improved to the standards set forth in the commissioner's rules and regulations, a portion of the money apportioned other than the money allocated for expenditures within cities, villages, and boroughs having a population of less than 5,000, may be used on other roads within the county with the consent and in accordance with the commissioner's rules and regulations. If the portion of the county state-aid highway system lying within cities, villages, and boroughs having a population of less than 5,000 is improved to the standard set forth in the commissioner's rules and regulations, a portion of the money credited to the municipal account may be used on other county highways or other streets lying within such cities, villages, and boroughs with the consent and in accordance with the commissioner's rules and regulations.

Subd. 5. Advances to municipal account. Any county may make advances from any available funds, including funds made available by a city, village or borough pursuant to subdivision 6 to the municipal account for the purpose of completing work on any portion of its county state-aid highway system within cities, villages, and boroughs having a population of less than 5,000. The total of such advances made by any county to the municipal account shall never exceed 30 percent of the county's last apportionment preceding the first advance. Any advances shall be repaid by deducting an amount equal thereto from money accruing to the municipal account. Advances heretofore made shall be repaid in like manner.

Subd. 6. Advances of city, village or borough funds; financing. Any city, village, or borough having a population of less than 5,000 may, by agreement with the county pursuant to section 162.17, subdivision 2, and under rules and regula-

tions of the commissioner and with his consent, use available funds for the purpose of accelerating construction of any portion of the county state-aid highway system within its limits. To finance such construction, the city, village, or borough may issue its obligations to the same extent and in the same manner as for financing construction of any other street. By such agreement, the county may pledge itself to use any part of one or more future allotments to its municipal account to reimburse the city, village, or borough for all or any portion of the money so spent by the city, village, or borough, not including interest on obligations issued to finance the project. A copy of the agreement shall be filed with the commissioner. Thereafter, as allotments are credited annually to the municipal account of the county, the commissioner shall certify to the state auditor that payments to the county may be made in the amounts and at the times specified in the agreement within the limits of the amounts so credited. The county shall pay funds so received to the city, village, or borough in accordance with the terms of the agreement.

Subd. 7. Advances other than to municipal account. Any county may make advances from any available funds for the purpose of expediting the construction, reconstruction, improvement and maintenance of its county state-aid highway system. Total advances, together with any advances to the municipal account, as provided in subdivisions 5 and 6, shall never exceed 40 percent of the county's last apportionment preceding the first advance. Advances made by any county as provided herein, other than advances made to the municipal account, shall be repaid out of subsequent apportionments to the county's maintenance or construction account in accordance with the commissioner's rules and regulations.

Subd. 8. County may appropriate additional money. The amount of money to be appropriated by the counties from other funds for use in the establishment, location, construction, reconstruction, improvement, and maintenance of the county state-aid highway system is left to the discretion of the individual county boards. Nothing contained herein shall restrict or prohibit a county board from using money collected from county road and bridge levies to provide, by mutual agreement, financial assistance or services not otherwise prohibited by law to townships and municipalities within its borders.

Subd. 9. Maintenance. Not more than 40 percent of the money so apportioned and allocated to each county shall be set aside in separate accounts for the maintenance of the county state-aid highway system in the counties; provided, that upon good cause shown and in accordance with the commissioner's rules and regulations, the commissioner may set aside an additional percentage for the maintenance of any county state-aid highway system. Money so set aside shall be paid to the several counties in accordance with the rules and regulations of the commissioner.

Subd. 10. Project approval, reports. When the county board of any county determines to do any construction work on a county state-aid highway or other road eligible for the expenditure of state aid funds within the county, and desires to expend on such work a portion of the money apportioned or allocated to it out of the county state-aid highway fund, the county shall first obtain approval of the project by the commissioner. Thereafter the county engineer shall make such reports in such manner as the commissioner requires under his rules and regulations. Upon receipt of satisfactory reports, the commissioner shall certify to the state auditor the amount of money that is eligible to be paid from the county's apportionment or allocation for the work under contract or actually completed. The state auditor shall thereupon issue a warrant in that amount payable to the county treasurer. In no event shall the warrant with all other warrants issued exceed the amount apportioned and allocated to the county.

Subd. 11. State auditor not to issue warrants without certification. The state auditor shall not issue any warrants without the certification of the commissioner.

[1959 c 500 art 3 s 8; 1961 c 563 s 4; 1963 c 244 s 1; 1963 c 734 s 1]

162.09 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.09 MUNICIPAL STATE-AID STREET SYSTEM. Subdivision 1. **Creation.** There is created a municipal state-aid street system within cities, villages, and boroughs having a population of 5,000 or more. The extent of the municipal state-aid street system shall not exceed 2,000 miles, plus the mileage of all trunk highways reverted or turned back to the jurisdiction of cities, villages, and boroughs pursuant to law on and after July 1, 1965. The system shall be established, lo-

cated, constructed, reconstructed, improved, and maintained as public highways within such cities, villages, and boroughs under rules and regulations, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

Subd. 2. Rules and regulations. The rules and regulations shall be made and promulgated by the commissioner acting with the advice of a committee which shall be selected by the governing bodies of such cities, villages, and boroughs, 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, villages, and boroughs. The remaining members of the committee shall be city, village and borough engineers. In the event that agreement cannot be reached on any rule or regulation the commissioner's determination shall be final. The rules and regulations shall be printed and copies thereof shall be forwarded to the clerks and engineers of the cities, villages, and boroughs.

Subd. 3. Rules and regulations to have force and effect of law. The rules and regulations shall have the force and effect of law upon compliance with the provisions of section 15.0412.

Subd. 4. Federal census to be conclusive. In determining whether any city, village, or borough has a population of 5,000 or more, the last federal census shall be conclusive; provided, that if an entire area not heretofore incorporated as either a city, village, or borough 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, village, or borough only until the next federal census.

Subd. 5. Joint county state-aid highway and municipal state-aid street. In the event that any county establishes and locates a county state-aid highway upon and over a center portion of a street within such city, village, or borough, the remaining portion of the street may be a municipal state-aid street.

Subd. 6. Establishment. The governing bodies of such cities, villages, and boroughs shall by resolution and subject to the concurrence of the commissioner locate and establish a system of municipal state-aid streets in accordance with the rules and regulations of the commissioner. A certified copy of the resolution shall be transmitted to the commissioner. Upon receipt of the resolution it shall be the duty of the commissioner to review each system, considering the availability of funds and the desirability of each system in relation to an integrated and coordinated system of highways. After review, the commissioner shall, by written order, approve each system or any portion thereof which in his judgment is feasible and desirable. A certified copy of the order shall be filed with the clerk and the engineer of the city, village, or borough.

Subd. 7. Acquisition of lands and properties needed. The governing bodies of such cities, villages, or boroughs shall have the power to acquire by purchase, gift, or eminent domain proceedings, lands and properties necessary for the establishment, location, relocation, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system.

Subd. 8. Establishment over existing streets or new location. The governing body of any such city, village, or borough, subject to the concurrence of the commissioner, may establish and locate any municipal state-aid street on new locations where there is no existing street, or it may establish and locate such street upon and over any established street or specified portion of any street within its limits.

Subd. 9. Abandonment or revocation. Any municipal state-aid street may be abandoned, changed, or revoked as such by joint action of the commissioner and the governing body of the city, village, or borough within which the street is located.

Subd. 10. Establishment on common boundary line. The governing bodies of two or more of such cities, villages, or boroughs, with the consent of the commissioner, may establish and locate a municipal state-aid street along or near the common boundary line of the cities, villages, or boroughs. The governing bodies of the cities, villages, or boroughs may enter into agreements providing for the division of costs and responsibilities to be borne by each for right of way, construction, improvement, and maintenance of such municipal state-aid streets.

[1959 c 500 art 3 s 9; 1961 c 19 s 1; 1967 c 874 s 2; 1969 c 214 s 1]

162.10 M.S. 1953 [Repealed, 1957 c 584 s 1]

162.10 LIMITATION ON PAYMENT OF CONTRACT PRICES. Whenever the construction or improvement of any municipal state-aid street is to be done by contract, the governing body of the city, village, or borough may agree in the contract to pay the contractor an amount not exceeding 90 percent of the value of the work from time to time actually completed, as shown by monthly estimates thereof made by the engineer of the city, village, or borough on the basis of the contract prices. In such case it shall be lawful for the appropriate disbursing officers of the city, village, or borough to pay the contractor an amount equal to the specified percentage of the value of the work so completed and specified in the engineer's monthly estimate without allowance of a claim therefor by the governing body of the city, village, or borough.

[1959 c 500 art 3 s 10]

162.11 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.11 PERCENTAGE OF HIGHWAY USER DISTRIBUTION FUND PAID TO MUNICIPAL STATE-AID STREET FUND. Nine percent of the net highway user tax distribution fund shall be paid into the municipal state-aid street fund.

[1959 c 500 art 3 s 11]

162.12 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.12 ACCRUALS TO MUNICIPAL STATE-AID STREET FUND. Subdivision 1. **Estimate of accruals.** On or before the second Tuesday of January of each year the commissioner shall estimate the probable sum of money that will accrue to the municipal state-aid street fund during the first six months of each year ending June 30. To the estimated amount he shall add the sum of money already accrued in the municipal state-aid street fund for the last preceding six-month period ending December 31. The total of such sums, except for deductions to be first made as provided herein, shall be apportioned by the commissioner to the cities, villages, and boroughs having a population of 5,000 or more as hereinafter provided.

Subd. 2. **Administrative costs of state highway department.** From the total of such sums the commissioner, each year, shall deduct a sum of money equal to one and one-half percent of the total sums. The sum so deducted shall be set aside in a separate account and shall be used to reimburse the trunk highway fund for administration costs incurred by the state highway department in carrying out the provisions relating to the municipal state-aid street system. On the 31st day of December of each year, any money remaining in the account not needed to reimburse the trunk highway fund as heretofore provided shall be transferred to the municipal state-aid street fund.

Subd. 3. **Disaster account.** After deducting administrative costs as provided in subdivision 2 of this section, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account shall never exceed five percent of the total sums to be apportioned to the cities, villages, and boroughs having a population of 5,000 or more. The disaster account shall be used to provide aid to any such city, village, or borough encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, village, or borough, and resulting in an undue and burdensome financial hardship. Any such city, village, or borough desiring aid by reason of such disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of three engineers and three members of the governing bodies of the cities, villages, and boroughs from cities, villages, and boroughs other than the requesting city, village, or borough. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the city, village, or borough from the disaster account shall be made by the commissioner. If the commissioner determines to aid the city, village, or borough, he shall certify to the state auditor the amount of aid, and the state auditor shall thereupon issue a warrant in that amount payable to the fiscal officer of the city, village, or borough. Money so paid shall be expended on the municipal state-aid street system in accordance with rules and regulations of the commissioner.

Subd. 4. **Research account.** Each year the screening board, provided for in

section 162.13, subdivision 3, may recommend to the commissioner a sum of money that the commissioner shall set aside from the municipal state-aid street fund and credit to a research account. The amount so recommended and set aside shall not exceed one-quarter of one percent of the preceding year's apportionment sum. Any money so set aside shall be used by the commissioner solely for the purpose of conducting research in methods of and materials for the construction and maintenance of municipal state-aid streets. Any balance remaining in the research account at the end of each year shall be transferred to the municipal state-aid street fund.

[1959 c 500 art 3 s 12; 1963 c 74 s 1]

162.13 M.S. 1949 [Repealed, 1951 c 192 s 1]

162.13 FORMULA. Subdivision 1. **Factors in formula.** After deducting for administrative costs and for the disaster fund and research account as heretofore provided, the remainder of the total sum provided for in subdivision 1 of section 162.12 shall be identified as the apportionment sum, and shall be apportioned by the commissioner to the cities, villages, and boroughs having a population of 5,000 or more, in accordance with the following formula:

(1) An amount equal to 50 percent of such apportionment sum shall be apportioned among the cities, villages, and boroughs having a population of 5,000 or more so that each such city, village, or borough shall receive of such amount the percentage that its money needs bears to the total money needs of all such cities, villages, and boroughs.

(2) An amount equal to 50 percent of such apportionment sum shall be apportioned among the cities, villages, and boroughs having a population of 5,000 or more so that each such city, village, or borough shall receive of such amount the percentage that its population bears to the total population of all such cities, villages, and boroughs.

Subd. 2. Money needs defined. For the purpose of this section money needs of each city, village, or borough having a population of 5,000 or more are defined as the estimated cost of constructing and maintaining over a period of 25 years the municipal state-aid street system in such city, village, or borough. Right of way costs and drainage shall be included in money needs. Lighting costs and other costs incidental to construction and maintenance, or a specified portion of such costs, as set forth in the commissioner's rules and regulations, may be included in determining money needs. When a county locates a county state-aid highway over a portion of a street in any such city, village, or borough and the remaining portion is designated as a municipal state-aid street only the construction and maintenance costs of the portion of the street other than the portions taken over by the county shall be included in the money needs of the city, village, or borough. To avoid variances in costs due to differences in construction and maintenance policy, construction and maintenance costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the engineers, or a committee thereof, of the cities, villages, and boroughs.

Subd. 3. Screening committee. On or before September 1 of each year, the engineer of each city, village, and borough having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city, village, or borough that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board of city, village, or borough engineers. The board shall be composed of one engineer from each state highway construction district, and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city, village, or borough. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's, village's, or borough's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city, village, or borough shall be made by the commissioner. In the event that any city, village, or borough shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of the city, village, or borough. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city, village, or borough until the information is submitted.

[1959 c 500 art 3 s 13]

162.14 M.S. 1949 [Repealed, 1951 c 192 s 1]

162.14 APPORTIONMENT TO CITIES AND VILLAGES. Subdivision 1. **Statement.** As soon as the commissioner has determined the amount of money to be apportioned to each of the cities, villages, or boroughs having a population of 5,000 or more, he shall forthwith send a statement of the amount to the state auditor and to the clerk and engineer of each such city, village, or borough. The amount so apportioned to each city, village, or borough shall be paid by the state to the fiscal officer of the city, village, or borough out of the municipal state-aid street fund as hereinafter provided and in accordance with rules and regulations promulgated by the commissioner, not inconsistent herewith.

Subd. 2. Purposes for which money is apportioned. Money so apportioned to each such city, village, or borough shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within each city, village, or borough including the expense of sidewalks, signals and safety devices on such system approved by the commissioner, provided that in the event of hardship or in the event that the municipal state-aid street system of any municipality is improved to the standards set forth in the commissioner's rules and regulations, and subject to the consent of the commissioner and under rules and regulations of the commissioner, a portion of the money so apportioned may be used on other streets or roads within the city, village, or borough. The governing body of any such city, village, or borough may, subject to the consent of the commissioner, and under the rules and regulations of the commissioner, use a portion of the money so apportioned on any state trunk highway or county state-aid highway within the city, village, or borough. The amount of money to be appropriated by such cities, villages, and boroughs from other funds for use in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within the city, village, or borough is hereby left to the direction of the individual governing bodies of the cities, villages, and boroughs.

Subd. 3. Maintenance. The proportion of each such city's, village's and borough's annual apportionment to be used for maintenance on its respective municipal state-aid street system shall be a joint determination of the commissioner and the governing body of each city, village, and borough. In the event that agreement cannot be reached, the determination of the commissioner shall be final.

Subd. 4. Project approval and reports. When the governing body of any such city, village, or borough determines to do any construction work on any municipal state-aid street or other streets within the city, village, or borough upon which money apportioned out of the municipal state-aid street fund may be used as provided in subdivision 2, the governing body shall first obtain the approval of the commissioner. Thereafter, the engineer of the city, village, or borough shall make reports in such manner as the commissioner requires in accordance with the commissioner's rules and regulations. Upon receipt of satisfactory reports the commissioner shall certify to the state auditor the amount of money that is eligible to be paid from the city's, village's, or borough's apportionment for the work under contract or actually completed. The state auditor shall thereupon issue a warrant in that amount payable to the fiscal officers of the city, village, or borough. In no event shall the warrant with all other warrants issued exceed the amount apportioned to the city, village, or borough.

Subd. 5. State auditor not to issue any warrants without certificate. The state auditor shall not issue any warrants as provided for in subdivision 4 without the prior certification of the commissioner.

Subd. 6. Advances. Any such city, except cities of the first class, village, or borough 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; provided that such advances shall not exceed 40 percent of its last apportionment. Advances made by any such city, village, or borough shall be repaid out of subsequent apportionments made to such city, village, or borough in accordance with the commissioner's rules and regulations.

[1959 c 500 art 3 s 14; 1963 c 309 s 1; 1967 c 85 s 1]

162.15 M.S. 1949 [Repealed, 1951 c 192 s 1]

162.15 ADMINISTRATIVE COSTS. The necessary personal expenses of the

members of any boards appointed by the commissioner shall be considered administrative costs of the department of highways, and reimbursement of the expenses shall be made from the sums deducted for administrative costs as heretofore provided.

[1959 c 500 art 3 s 15]

162.16 M.S. 1949 [Repealed, 1951 c 192 s 1]

162.16 INVESTMENT OF MONEY IN COUNTY STATE-AID HIGHWAY FUND OR MUNICIPAL STATE-AID STREET FUND. Upon the request of the commissioner, money in the county state-aid highway fund and money in the municipal state-aid street fund shall be invested by the state board of investment in those securities authorized for such purpose in chapter 11. All interest and profits from the investments shall be credited to the fund on which the interest or profits are earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section.

[1959 c 500 art 3 s 16; 1963 c 567 s 5; 1965 c 113 s 2; 1967 c 404 s 6]

162.17 M.S. 1949 [Repealed, 1951 c 192 s 1]

162.17 AGREEMENTS BETWEEN COUNTY BOARDS AND CITIES AND VILLAGES. Subdivision 1. **Agreements with cities, villages, or boroughs having a population of 5,000 or more.** The governing body of any city, village, or borough having a population of 5,000 or more may enter into cooperative agreements with the county board of the county in which the city, village, or borough is located, providing for the division of costs and responsibilities to be borne by each for right of way, construction, improvement and maintenance, including snow removal, of county state-aid highways and municipal state-aid streets established and located within such cities, villages, and boroughs.

Subd. 2. **Agreements with cities, villages, or boroughs having a population of less than 5,000.** The governing body of any city, village, or borough having a population of less than 5,000 may enter into an agreement with the county board of the county in which it is located for the construction of any county state-aid highway within the corporate limits of the city, village, or borough. The plans and specifications for the construction shall be prepared by the county engineer or by an engineer employed by the city, village, or borough as may be agreed upon by the governing body of the city, village, or borough and the county board, and shall be approved by the governing body and the county board. It may be agreed that the city, village, or borough shall perform the construction and that the county shall reimburse the city, village, or borough for its share thereof as may be agreed upon, or that the county shall perform the construction and that the city, village, or borough shall reimburse the county for its share thereof as may be agreed.

Subd. 3. **Maintenance agreements.** The governing body of any city, village, or borough having a population of less than 5,000 may enter into an agreement with the county board of the county in which it is located for the maintenance of and snow removal from any county state-aid highway within the corporate limits of the city, village, or borough. The agreement may provide that the maintenance and snow removal be performed by the county board at the sole expense of the county, or that the city, village, or borough perform the snow removal and maintenance and the county pay to the city, village, or borough an amount determined in accordance with the provisions of subdivision 4 hereof.

Subd. 4. **Maintenance and snow removal; determination of cost thereof.** It shall be the primary duty of the county to maintain and to remove snow from all county state-aid highways within the corporate limits of any city, village, or borough in the county. If no agreement therefor be made with the governing body of the city, village, or borough, the county board may elect as to such cities, villages or boroughs in the county, either that the county perform the snow removal and maintenance or, in lieu thereof, that the county pay to the city, village, or borough annually, an amount per mile of the county state-aid highway within the corporate limits thereof, not less than the average annual cost per mile of maintaining and removing snow from all county state-aid highways of the county outside the corporate limits of any such city, village, or borough therein. If the latter election be made by the county board of any county, the governing body of any city, village, or borough affected shall be responsible for and shall maintain and remove the snow from the county state-aid highways within its corporate limits. On or before September 1 of each year, the county board shall notify the governing body of each

city, village, or borough affected within the county of its election for the ensuing calendar year made pursuant to the provisions of this section.

Subd. 5. County contract in certain cases to be deemed in compliance with statutory or charter provisions of city, village, or borough. Whenever the governing body of a city, village, or borough enters into an agreement with a county as provided herein, it may appropriate to the county from any funds available such sums of money as it has agreed to pay. When a portion of the costs agreed to be paid by a city, village, or borough is to be assessed against benefited property, the letting of a public contract by the county for the work shall be deemed to be in compliance with statutory or charter provisions requiring the city, village, or borough:

- (1) To advertise for bids before awarding a contract for a public improvement,
- (2) To let the contract to the lowest responsible bidder, and
- (3) To require a performance bond to be filed by the contractor before undertaking the work.

Subd. 6. Bond to inure to benefit of city, village, or borough. The contract so let by the county and the performance bond required of the contractor by the county shall be considered to be the contract and bond of the city, village, or borough for purposes of complying with the requirements of any applicable law or charter provision, and the bond shall inure to the benefit of the city, village, or borough and operate for their protection to the same extent as though they were parties thereto. Nothing herein contained is a limitation of the power of any county to appoint the commissioner of highways its agent to accept federal funds and award contracts for the construction, improvement, or maintenance of county state-aid highways pursuant to law, and any contract let by the commissioner of highways as the agent of a county shall be construed hereunder as having been let by the county.

[1959 c 500 art 3 s 17]

162.18 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.18 BONDS; MUNICIPAL. Subdivision 1. **Limitation on amount.** Any city or village having a population of 5,000 or more may in accordance with Minnesota Statutes, Chapter 475, except as otherwise provided herein, issue and sell its obligations for the purpose of establishing, locating, relocating, constructing, reconstructing, and improving municipal state-aid streets therein. In the resolution providing for the issuance of the obligations, the governing body of the municipality shall irrevocably pledge and appropriate to the sinking fund from which the obligations are payable, an amount of the moneys allotted or to be allotted to the municipality from its account in the municipal state-aid street fund sufficient to pay the principal of and the interest on the obligations as they respectively come due. The obligations shall be issued in amounts and on terms such that the average annual amount of principal and interest due in all subsequent calendar years on the obligations, including any similar obligations of the municipality which are outstanding, shall not exceed 50 percent of the amount of the last annual allotment preceding the bond issue received by the municipality from the construction account in the municipal state-aid street fund; except that the municipality may issue general obligation bonds for said purpose, to be purchased by it for the account of any one or more of its own funds, including debt redemption funds, in which case such bonds shall mature in not exceeding five years from their respective dates of issue, in principal amounts not exceeding in any calendar year, with the principal amount of all other municipal state-aid street obligations maturing in such year, the total amount of the last annual allotment preceding the bond issue received by the municipality from the construction account in the municipal state-aid street fund. All interest on the obligations shall be paid out of the municipality's normal maintenance account in the municipal state-aid street fund. Any such obligations may be made general obligations, but if moneys of the municipality other than moneys received from the municipal state-aid street fund, are used for payment of the obligations, the moneys so used shall be restored to the appropriate fund from the moneys next received by the municipality from the construction or maintenance account in the municipal state-aid street fund which are not required to be paid into a sinking fund for obligations.

Subd. 2. Not included in net debt of municipality for purpose of any statutory or charter limitation. Obligations issued hereunder may be authorized by resolution of the governing body without authorization by the electors, and shall not be

included in the net debt of the municipality for the purpose of any statutory or charter limitation on indebtedness. Expenditures made from the proceeds of the obligations shall not be considered as part of the cost of government of the municipality within the meaning of any statutory or charter limitation on expenditures.

Subd. 3. Proceeds to be used for specific purposes. Moneys received from the sale of the obligations shall be spent only in accordance with other provisions of law and the rules and regulations of the highway commissioner relating to the establishment, location, relocation, construction, reconstruction, and improvement of municipal state-aid streets within the municipality issuing the obligations.

Subd. 4. Certification to commissioner. Any municipality issuing and selling bonds pursuant to this section shall certify to the commissioner the amount of money required annually for the payment of principal and interest on the obligation. Upon receipt thereof, the commissioner shall certify to the state auditor the sum of money needed annually by the municipality for the principal and interest, provided that the amount certified by the commissioner shall not exceed the limit heretofore specified. The state auditor shall thereafter, until said bonds are retired, issue a warrant annually in the amount certified payable to the fiscal officer of the municipality, and the amount thereof shall be deposited by the fiscal officer in the sinking fund from which the obligations are payable.

Subd. 5. Powers to be in addition. The powers granted in this section are in addition to all powers granted by charter or other laws.

[1959 c 500 art 3 s 18; 1961 c 604 s 1; 1965 c 228 s 1]

162.181 BONDS; COUNTY. Subdivision 1. **Limitation on amount.** Except as otherwise provided herein, any county may, in accordance with Minnesota Statutes, Chapter 475, issue and sell its obligations, the total amount thereof not to exceed the total of the preceding two years state-aid allotments, for the purpose of establishing, locating, relocating, constructing, reconstructing, and improving county state-aid highways therein. In the resolution providing for the issuance of the obligations, the county board of the county shall irrevocably pledge and appropriate to the sinking fund from which the obligations are payable, an amount of the moneys allotted or to be allotted to the county from its account in the county state-aid highway fund sufficient to pay the principal of and the interest on the obligations as they respectively come due. The obligations shall be issued in the amounts and on terms such that the amount of principal and interest due in any calendar year on the obligations, including any similar obligations of the county which are outstanding, shall not exceed 50 percent of the amount of the last annual allotment preceding the bond issue received by the county from the construction account in the county state-aid highway fund. All interest on the obligations shall be paid out of the county's normal maintenance account in the county state-aid highway fund. The obligations may be made general obligations, but if moneys of the county other than moneys received from the county state-aid highway fund, are used for payment of the obligations, the moneys so used shall be restored to the appropriate fund from the moneys next received by the county from the construction or maintenance account in the county state-aid highway fund which are not required to be paid into a sinking fund for obligations.

Subd. 2. Not included in net debt of counties for purpose of any statutory limitations. Obligations issued hereunder may be authorized by resolution of the county board without authorization by the electors, and shall not be included in the net debt of the county for the purpose of any statutory limitation on indebtedness. Expenditures made from the proceeds of the obligations shall not be considered as part of the cost of government of the county within the meaning of any statutory limitation on expenditures.

Subd. 3. Proceeds to be used for specific purposes. Moneys received from the sale of the obligations shall be spent only in accordance with other provisions of law and the rules and regulations of the highway commissioner relating to the establishment, location, relocation, construction, reconstruction, and improvement of county state-aid highways within the county issuing the obligations.

Subd. 4. Certification to commissioner. Any county issuing and selling bonds pursuant to this section shall certify to the commissioner the amount of money required annually for the payment of principal and interest on the obligation. Upon receipt thereof, the commissioner shall certify to the state auditor the

MINNESOTA STATUTES 1971

1983

STATE-AID SYSTEM 162.19

sum of money needed annually by the county for the principal and interest, provided that the amount certified by the commissioner shall not exceed the limit heretofore specified. The state auditor shall thereafter, until said bonds are retired, issue a warrant annually in the amount certified payable to the county treasurer of the county, and the amount thereof shall be deposited by the county treasurer in the sinking fund from which the obligations are payable.

Subd. 5. Powers to be in addition. The powers granted in this section are in addition to all powers granted by other laws.

[*Ex*1961 c 7 s 1-5; 1965 c 227 s 1]

162.19 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.19 APPROPRIATION. Moneys in the county state-aid highway fund and municipal state-aid street fund are appropriated annually for the purposes for which the funds have been established.

[1959 c 500 art 3 s 19]

162.20 to 162.24 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.25 to 162.36 [Local]

162.37 M.S. 1953 [Repealed, 1957 c 536 s 1]

162.38 to 162.45 M.S. 1957 [Repealed, 1959 c 500 art 6 s 13]

162.46-162.54 [Local]