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lish a policy for the furnishing of a culvert to an abutting owner when a culvert is necessary for suitable approach to a county and state aid road, and such policy may include provisions for the payment of all or part of the costs of furnishing such culverts by the abutting landowner.

[1975 c 24 s 1]

[For text of subds 2 and 3, see M.S.1974]

CHAPTER 161. DEPARTMENT OF HIGHWAYS AND TRUNK HIGHWAY SYSTEM

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161.081 Highway user tax, distribution of portion of proceeds.

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) 60 percent to the trunk highway fund;
- (2) 31 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) 9 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

[1975 c 203 s 22]

161.082 County turnback account, expenditure.

[For text of subds 1 and 2, see M.S.1974]

Subd. 2a. An amount equal to 32 percent of the county turnback account shall be expended, within counties having two or more towns, on town road bridge structures that are 20 feet or more in length. The expenditures on such bridge structures shall be on a matching basis, and not more than 50 percent of the cost of any such bridge structure shall be paid from the county turnback account. The rules and regulations of the commissioner of highways relating to the expenditure of funds for the purposes of this subdivision shall include review of township bridge projects by the regional development commissions or the metropolitan council to determine the relative need of the township for financial assistance.

[1975 c 203 s 23]

161.10 Investigations; recommendations; reports.

When practicable the commissioner shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, investigate the most approved laws in relation to roads in other states and hold public meetings throughout the state when deemed advisable. On or before November 15 on each even-numbered year he shall make a printed report to the governor and the legislature stating the condition, management, and financial transactions of his department, including a statement of the expense incurred in maintaining such department;

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the number of miles of roads built or improved during the preceding two fiscal years and their cost; the general character and location of material suitable for road construction; the general character and needs of the roads of the state; the name, location, size, and description of each state trail, state water access site, and state rest area established by him since his last report; and recommend such legislation as he deems advisable. The report shall be transmitted by the governor to the legislature.

[1975 c 353 s 40]

161.115 Additional trunk highways.

[For text of Route No. 71 to 332, see M.S.1974]

Route No. 333. Beginning at a point on Route 392 in Hennepin county, thence extending in a generally easterly direction to a point on Route 394 in Anoka or Ramsey county.

[1975 c 214 s 1]

(NOTE: Laws 1975, Chapter 214, Sections 3 and 4, read as follows:

"Sec. 3. Notwithstanding any other law to the contrary, the commissioner of highways upon completion of construction of the route described in section 1, is authorized to turn back to the appropriate counties and/or municipalities portions of existing trunk highways lying within the counties through which the route described in section 1 passes. The aggregate mileage to be turned back shall be substantially the same as the mileage of the route described in section 1. Trunk highways to be turned back shall be designated by the commissioner of highways.

Sec. 4. The counties and municipalities through which the route described in section 1 passes, are hereby authorized to expend their respective share of highway user funds or such other funds available to them for highway or street purposes for planning, preliminary engineering and right-of-way acquisition for said route. The commissioner shall not proceed with right-of-way acquisition or construction of the route described in section 1 unless federal aid requirements have been met and federal aid highway funds are made available for said route. Moneys expended by local governmental units for planning, preliminary engineering and right-of-way acquisition including all related acquisition costs shall be reimbursed by the governmental unit authorizing construction at the time of authorization.")

161.117 Trunk highways; additional routes.

There may be added by order of the commissioner of highways to the trunk highway system new routes described as follows:

(1) Route No. 380. Beginning at a point on Route No. 390 at its intersection with Shepard Road in the city of St. Paul; thence extending in a northeasterly direction generally following along the course of Shepard Road to a point on Route No. 112; thence extending in a northeasterly direction to a point on Route No. 392 easterly of the downtown area of St. Paul; providing a connector route between Route No. 390 and Routes No. 112 and 392;

(2) Route No. 381. Beginning at a point on Route No. 112, northerly of the Lafayette Street bridge in the city of St. Paul; thence extending in a northwesterly direction to a point on Route No. 390 southerly of Maryland Avenue in the city of St. Paul; providing a connector route between Route No. 112 and Route No. 390; and

(3) Route No. 382. Beginning at a point on Route No. 390 at its junction with Route No. 111, thence extending in a general northerly direction, within the corridor of the right of way already acquired on May 31, 1975, for Route

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No. 390, to a point on Short Line Road; thence extending in a northeasterly direction within said corridor of right of way to the intersection of Pleasant Avenue and Kellogg Boulevard in the city of St. Paul.

[1975 c 203 s 19]

161.12 Additional routes added to trunk highway system.

To take advantage of federal aid made available by the United States to the state of Minnesota for highway purposes, the following trunk highway routes are added to the trunk highway system which routes form a part of the national system of interstate and defense highways and may be referred to as the interstate system:

Route No. 390. Beginning at a point on the boundary between the states of Minnesota and Iowa, southerly of Albert Lea; thence extending in a general northerly direction to a point on Route No. 111 in the city of St. Paul; and then beginning again at a point on Route No. 392 in the city of St. Paul; thence extending in a general northeasterly direction to a point in Duluth on the boundary between the states of Minnesota and Wisconsin.

Route No. 391. Beginning at a point on the boundary between the states of Minnesota and South Dakota, westerly of Luverne; thence extending in a general easterly direction to a point on the boundary between the states of Minnesota and Wisconsin, near La Crescent.

Route No. 392. Beginning at a point on the boundary between the states of Minnesota and North Dakota in or near Moorhead; thence extending in a general southeasterly direction through the city of Minneapolis; thence in a general easterly direction through the city of St. Paul to a point on the boundary between the states of Minnesota and Wisconsin in or near Lakeland.

Route No. 393. Beginning at a point on Route No. 392, easterly of the city of St. Paul; thence in a general southerly and westerly direction through the city of South St. Paul; thence in a general westerly direction to a point in Eden Prairie Township, Hennepin County; thence in a general northerly direction to a point in the city of Maple Grove, Hennepin County; thence in a general easterly direction to a point on Route 390; thence in a general easterly, southeasterly and southerly direction to the point of beginning on Route No. 392, easterly of St. Paul.

Route No. 394. Beginning at a point on Route No. 390, southerly of the Minnesota River; thence extending in a general northerly and northeasterly direction through the city of Minneapolis; thence continuing in a northeasterly direction to a point on Route No. 390, near Forest Lake and there terminating.

Route No. 395. Beginning at a point on Route No. 390 at or near the intersection of Superior Street and Nineteenth Avenue West in the city of Duluth, thence extending in a northeasterly direction to a point on Route No. 103 at or near the intersection of Superior Street and Tenth Avenue East in the city of Duluth.

[1975 c 203 s 18]

161.123 Highway construction; prohibitions.

Following May 31, 1975 the department of highways shall not cause any construction on, nor shall any lands be acquired for, any of the trunk highways designated as I-335, that portion of I-35E in Ramsey county described in section 161.117, clause (3), as Route No. 382, nor for proposed I-394 between I-494 and the Hawthorne interchange, nor for any extension or connector of the Dartmouth interchange of the interstate route designated as I-94; nor shall the department construct or improve Legislative Route No. 116, marked trunk highway route No. 55, within the city of Minneapolis, to freeway or expressway standards; provided, that nothing in this section shall be construed to prohibit the department from taking the following actions:

(1) Construction of a parkway facility of not more than four lanes of traffic in the corridor previously designated for I-335 in the city of Minneapolis.

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(2) Construction of not more than six lanes of travel on Legislative Routes No. 10 and No. 107 marked TH12 between I-494 and the Hawthorne interchange in the city of Minneapolis, provided that no additional lands shall be acquired for any such purpose except which is necessary for construction of six lanes of travel on said highway.

(3) Construction of, on the route designated in section 161.117, clause (3), as Route No. 382, a four lane parkway facility with limited access, provided that such parkway shall not be physically connected with Legislative Route No. 392.

(4) Generally utilizing and widening present lanes of travel, increasing the number of lanes of travel up to but not exceeding six lanes, and upgrading Legislative Route No. 116 within the city of Minneapolis generally along its present traveled corridor.

Any highway facility authorized by this section shall be compatible with the immediate residential areas through which it passes. Upon the completion of any highway facility authorized herein, any right of way previously acquired within the utilized corridor and not needed for the construction and maintenance of such facility, shall be transferred to the city within which such excess right of way is located, for public purposes, or sold for utilization in a manner compatible with the immediate residential area through which it passes, such excess right of way being determined by order of the commissioner. The transfer shall be evidenced by a quit claim deed, in such form as the attorney general approves, executed by the governor in the name of the state of Minnesota to such city.

The commissioner of highways shall consider a parkway or other alternatives for that portion of the trunk highway designated as I-35 or Route No. 390 in the city of Duluth.

[1975 c 203 s 15]

161.125 Sound abatement along highways.

Subdivision 1. The commissioner of highways shall cause to be constructed adequate and effective acoustical barriers or implement other sound abatement programs in or along the perimeter of any interstate highway within incorporated areas located within the metropolitan area whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize available federal matching funds in constructing the acoustical barriers.

Subd. 2. Beginning with the fiscal year ending June 30, 1976, the commissioner shall annually expend an amount equal to one percent of an amount equal to 62 percent of the revenues derived from the tax imposed on gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state when federal funds are available, for the purpose of carrying out the provisions of subdivision 1. In the event that funds derived from such one percent exceed the amount necessary to carry out the provisions of subdivision 1, the excess funds shall be utilized by the commissioner to construct adequate and effective acoustical barriers along other trunk highways in the metropolitan area where he deems them necessary to counteract vehicle noise.

[1975 c 203 s 20]

161.14 Names and designations of certain highways.

[For text of subds 1 to 17, see M.S.1974]

Subd. 18. Voyageur highway. The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on trunk highway No. 26 on the boundary line

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between the states of Minnesota and Iowa; thence northerly along trunk highway No. 26 to its junction with trunk highway No. 61; thence northwesterly along trunk highway No. 61 to its junction with trunk highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along trunk highway No. 10 to its junction with trunk highway No. 371 at Little Falls; thence extending in a general northerly direction along trunk highway No. 371 to its junction with trunk highway No. 210 at Brainerd; thence northeasterly along trunk highway No. 210 to its junction with trunk highway No. 169 at Aitkin; thence in a general northerly direction along trunk highway No. 169 to its junction with trunk highway No. 2 at Grand Rapids; thence northwesterly along trunk highway No. 2 to its junction with trunk highway No. 71 at Bemidji; thence northeasterly along trunk highway No. 71 to its junction with trunk highway No. 11 at Pelland; thence northeasterly along trunk highway No. 11 to its junction with trunk highway No. 53 at International Falls; thence southeasterly along trunk highway No. 53 to its junction with trunk highway No. 61 at Duluth; thence northeasterly along trunk highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on trunk highway No. 1 at its junction with trunk highway No. 61 northerly of Silver Bay; thence northwesterly along trunk highway No. 1 to Ely; thence southwesterly along trunk highway No. 1 to its junction with trunk highway No. 169; thence southerly and westerly along trunk highway No. 169 to its junction with trunk highway No. 53, and there terminating.

Beginning at a point on trunk highway No. 11 at its junction with trunk highway No. 53 at International Falls; thence easterly along trunk highway No. 11 to its easterly terminus near Island View.

Beginning at a point on trunk highway No. 33 at its junction with interstate highway marked I-35 southerly of Cloquet, thence northerly along trunk highway No. 33 to its junction with trunk highway No. 53.

(c) The commissioner of highways shall

(1) adopt a suitable marking design of signs or informational plaques.

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

[1975 c 255 s 1]

161.242 Junk yard act.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. Unauthorized junk yards prohibited. (1) No junk yard may exist or be operated outside a zoned or unzoned industrial area, including those located on public lands and reservations of the United States, unless it be screened so as to effectively conceal it from the view of motorists using the highway. The screening required by this section may be effected by trees, shrubs, or foliage, natural objects, fences or other appropriate means as determined by standards established by the commissioner. Plantings which will eventually achieve effective screening shall be acceptable. Plantings shall be used in connection with any fence or other non-natural screening device.

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(2) Any such junk yard or portion thereof which cannot effectively be screened shall be removed or relocated pursuant to the provisions of this section on or before July 1, 1979. Any such junk yard lawfully existing on a highway which is made a part of the trunk highway system after January 1, 1975, and becomes nonconforming thereby shall be effectively screened or removed or relocated within four years thereafter. Any junk yard which comes into existence after July 1, 1971 which does not conform to this section, or which becomes nonconforming after July 1, 1971, or which becomes nonconforming after action by the commissioner pursuant to this section, is hereby declared to be a public nuisance and illegal, and the commissioner may enter upon the land where the junk yard is located and may screen the same, or may relocate or dispose of the junk yard after 90 days notice to the owner or dealer thereof, if known, or to the owner of the land. In this event, no compensation shall be paid to the owner or dealer or owner of the land, and the commissioner may collect the cost of screening, removal, relocation or disposal from the owner or dealer, if known, or from the owner of the land upon which the junk yard is located.

(3) None of the articles commonly found in junk yards shall be allowed to remain on the grounds for more than 24 hours unless within the buildings or the properly screened area as provided herein, nor shall any junk in any junk yard be allowed to extend above existing or planned screening so as to be visible from the highway.

[1975 c 266 s 1]

[For text of subds 4 to 9, see M.S.1974]

161.31 Maps and pamphlets.

Subdivision 1. Maps. The commissioner shall periodically publish a map showing the location and status of improvements of the trunk highway system.

[1975 c 126 s 1]

[For text of subd 2, see M.S.1974]

161.35 Employment of consultants.

The commissioner, with prior approval of the commissioner of personnel, is authorized to employ and engage the services of registered professional engineers, engineering firms, and registered land surveyors, to act as consultants in connection with and to prepare plans and specifications or to perform aerial photography and survey work preliminary to the preparation of plans and specifications themselves or by their organizations and employees for the construction of trunk highways, and the commissioner is authorized to negotiate for and agree upon the terms and compensation for such employment and services. If the commissioner employs and engages an engineering firm, the person or persons in responsible charge of the work or service to be performed shall be registered professional engineers or land surveyors.

Provided, however, that the commissioner shall make available to the legislature a list of such consultants, the tasks for which they were hired, and the amount of compensation which they received.

[1975 c 435 s 19]

161.355 Travel expense for job applicants.

[For text of subd 1, see M.S.1974]

Subd. 2. [Repealed, 1975 c 435 s 22]

161.39 Aid to other road authorities and state departments.

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[For text of subds 1 to 5, see M.S.1974]

Subd. 5a. Performing services for public service commission, reimbursement. The trunk highway fund shall be reimbursed for moneys expended by the highway department in performing services for the public service commission.

[1975 c 435 s 20]

[For text of subd 6, see M.S.1974]

CHAPTER 162. STATE-AID SYSTEM

Sec.
162.08 Allocation of apportionments.

Sec.
162.10 Limitation on payment of contract prices.

162.08 Allocation of apportionments.

[For text of subds 1 to 3, see M.S.1974]

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 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 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 or after notification by certified mail to all of the governing bodies of the cities within the county having a population of less than 5,000 may be advanced from the municipal account to the county to be used on other county state-aid highways within the county with the consent and in accordance with the commissioner's rules and regulations. Advances of money in any year from the municipal account to a county to be used on county state-aid highways within the county outside of cities having a population of less than 5,000 shall be repaid to the municipal account by the county from state-aid money accruing to the county within a maximum of five years unless the terms and conditions of repayment are otherwise agreed to by the county and the governing bodies of the cities within the county having a population of less than 5,000.

[1975 c 193 s 1]

[For text of subds 5 to 11, see M.S.1974]

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 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 on the basis of the contract prices, and may further agree that when the work is 90 percent or more completed upon the recommendation of the city engineer such portions of the retained price may be released as the governing body of the city determines are