

MINNESOTA STATUTES 1977 SUPPLEMENT

DEPARTMENT OF TRANSPORTATION 161.321

CHAPTER 161. DEPARTMENT OF TRANSPORTATION AND TRUNK HIGHWAY SYSTEM

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161.115 Additional trunk highways.

[For text of route 71, see M.S.1976]

Route No. 72. Beginning at a point on Route No. 4, southerly of Bemidji and thence extending in a northerly direction to a point on Route No. 11, easterly of Baudette; affording Bemidji, Waskish, Baudette, and intervening and adjacent communities a reasonable means of communication each with the other and other places within the state.

[For text of routes 73 to 333, see M.S.1976]

[1977 c 80 s 1]

161.125 Sound abatement along highways.

Subdivision 1. The commissioner of transportation shall, in accordance with the department's program, implement sound abatement measures within or along the perimeter of any interstate or trunk highway within incorporated areas located within the metropolitan area or any municipality 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 and maintaining the acoustical barriers.

Subd. 2. [Repealed, 1977 c 454 s 49;]

Subd. 3. For the purpose of this section, sound abatement measures include but are not limited to the following:

(a) traffic management measures, including reduced speed limits or exclusion and rerouting of excessively noisy vehicles;

(b) design and construction measures, including use of sound absorbing road surface materials, landscaping and planning, acquisition of buffer zones or noise insulation of buildings on abutting property;

(c) enforcement of the motor vehicle source noise limits of the pollution control agency and of the federal bureau of motor carrier safety; and

(d) other measures designed for the purpose of reducing motor vehicle source noise or reducing the effects of that noise. The commissioner of public safety shall cooperate with the commissioner of transportation in implementing any sound abatement measures that include law enforcement activities.

[1977 c 454 s 13,14]

161.321 Small business contracts.

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given them, except where the context clearly indicates a different meaning is intended.

(a) "Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which has its principal place of business in Minnesota, and which (i) in the preceding three fiscal years has not exceeded a total of \$3,000,000 in gross receipts, and (ii) is not an affiliate or subsidiary of a business which in the preceding three fiscal years has exceeded a total of \$5,000,000 in gross receipts.

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(b) "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. This disadvantage may arise from cultural, social or economic circumstances or background, physical location if the person resides or is employed in an area declared as a labor surplus area by the United States department of commerce, or other similar cause.

(c) "Physically handicapped person" means a person who has suffered a substantial physical disability or dysfunction.

(d) "Award" means the granting of a contract in accordance with all applicable laws, regulations and rules governing competitive bidding except as hereinafter specifically modified.

(e) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(f) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in clause (e).

Subd. 2. Small business set asides. The commissioner shall set aside, on a fiscal year basis, at least two percent of the construction work to be performed by contract for award to small businesses, small businesses owned and operated by socially or economically disadvantaged persons and small businesses owned and operated by physically handicapped persons or for award to businesses which guarantee use of such small businesses as subcontractors.

Subd. 3. Awards to minority small businesses. At least 50 percent of the amount so set aside shall be awarded, if possible, either to small businesses owned and operated by socially and economically disadvantaged persons as direct contracts or as part of contracts awarded to businesses which guarantee the use, as subcontractors, of small businesses owned and operated by socially and economically disadvantaged persons. Any funds subject to this subdivision which are not awarded according to this subdivision shall be awarded to other small businesses as defined in subdivision 1, clause (a) and small businesses owned and operated by physically handicapped persons.

Subd. 4. Awards, limitations. The amount of any individual contract or sub-contract awarded pursuant to subdivisions 2 and 3 shall not exceed \$200,000, nor shall any one small business be awarded an aggregate amount of contracts or sub-contracts or both in excess of \$200,000 in any one fiscal year. Contracts awarded pursuant to this section shall be subject to all applicable limitations contained in section 16.083, subdivisions 2, 3, and 6.

Subd. 5. Recourse to other businesses. In the event that the commissioner is unable to award a contract pursuant to the provisions of subdivisions 2 and 3, the award may be placed pursuant to the normal solicitation and award provisions set forth in chapters 16 and 161.

Subd. 6. Rules. The commissioner may promulgate by rule, standards and procedures for certifying that small businesses, small businesses owned and operated by physically handicapped persons and small businesses owned and operated by socially or economically disadvantaged persons are eligible to participate in the set aside program authorized in subdivision 2. The commissioner may promulgate other rules as may be necessary to carry out the provisions of this section.

[1977 c 222 s 1]

161.3211 Report by commissioner of transportation.

The commissioner of transportation shall submit an annual report pursuant to section 3.195, to the governor and the legislature indicating the progress being made toward the objectives and goals of section 161.321 during the preceding fiscal year. This report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified during this period and the percentage of total construction work this figure reflects;

(b) The number of small businesses identified and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded

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to small businesses with an approximate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(c) The total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with an approximate designation as to the total number and value of set-aside contracts awarded to each such small business, and the percentages of the total construction work the figures of the total dollar value and the number of set-asides reflect;

(d) The number of contracts which were designated and set-aside pursuant to section 161.321, but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest bid on each of these awards made by a small business and the price at which these contracts were awarded pursuant to the normal procedures.

[1977 c 222 s 2]

161.465 Reimbursement for fire services.

Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire or easing or eliminating the danger of fire or explosion within the right-of-way of any state trunk highway upon approval of a police officer or an officer or employee of the department of transportation or department of public safety shall, upon certification to the commissioner of transportation by the proper official of the municipality or fire department, be reimbursed to the municipality or fire department from funds in the trunk highway fund. The commissioner of transportation shall take whatever action practicable to secure reimbursement to the trunk highway fund of moneys expended pursuant to this section from the person, firm or corporation responsible for the fire or danger thereof.

[1977 c 43 s 1]

161.50 [Repealed, 1977 c 454 s 49]

CHAPTER 162. STATE-AID SYSTEM

Sec.	Sec.
162.04 Limitation on payment of contract price.	162.10 Limitation on payment of contract prices.

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, and the construction or improvement is not financed in whole or in part by federal aid highway money, the county board shall 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, and shall further agree that when the work is 90 percent or more completed upon the recommendation of the county engineer such portions of the retained price shall be released as the county board determines are not required to be retained to protect the county's interest in completion of the contract. 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 consistent with the above prescribed limitations 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. Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the value of the work completed shall obligate the county to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a county may legally withhold as a result of breach of contract or other contractual claim.

[1977 c 144 s 1]