161.082 COUNTY TURNBACK ACCOUNT, EXPENDITURES.

Subdivision 1. **Rules.** Except as provided in this section and in section 161.081, all money accruing to the county turnback account shall be expended in accordance with rules of the commissioner of transportation in paying a county for the restoration of former trunk highways, or portions thereof, that have reverted to the county in accordance with law, and have become a part of the county state-aid highway system.

Subd. 2. **Turnback exceptions.** By reason of insufficient funds in the county turnback account to adequately repair and restore the former trunk highways or portions thereof that have already reverted to counties, the commissioner of transportation, after May 26, 1971, shall not revert to the counties any additional trunk highways or portions thereof until there are adequate funds in such account to repair and restore such reverted highways to reasonable standards, unless such reversion is necessary due to the constitutional limitations on the mileage of the trunk highway system.

Subd. 2a. **Town bridges and culverts; town road account.** (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the Board of Water and Soil Resources and the Department of Natural Resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.

(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than replacing the existing bridge.

(e) When bridge approach construction work exceeds $10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed $20,000, or engineering costs exceed $10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of $10,000;

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed $20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the Department of Transportation; or

Copyright © 2012 by the Office of the Revisor of Statutes, State of Minnesota. All Rights Reserved.

(3) 100 percent of all related engineering costs that exceed $10,000, or in the case of towns with a net tax capacity of less than $300,000, 100 percent of the engineering costs.

(f) Money in the town road account must be distributed as provided in section 162.081.

Subd. 3. **Transfers to turnback account.** (a) Whenever a county submits plans for a project to be funded from the county turnback account and the commissioner determines that the project would be approved for funding except for insufficient money in the county turnback account, the commissioner may transfer from the unencumbered balance of the construction account in the county state-aid highway fund an amount sufficient to pay the costs of the project.

(b) The commissioner may make a transfer under paragraph (a) only if the commissioner determines that the transfer would not reduce the unencumbered balance of the construction account in the county state-aid highway fund to less than $50,000,000.

(c) Not later than ten years after any transfer under paragraph (a), the commissioner shall transfer from the county turnback account to the construction account in the county state-aid highway fund an amount sufficient to repay the amount transferred under paragraph (a).

History: *1965 c 672 s 2; 1967 c 187 s 1; 1971 c 528 s 1; 1975 c 203 s 23; 1976 c 166 s 7; 1978 c 686 s 2; 1983 c 17 s 2; 1984 c 412 s 2; 1985 c 248 s 70; 1989 c 268 s 2; 1991 c 351 s 1; 1993 c 128 s 2; 1994 c 553 s 2; 1997 c 159 art 2 s 6; 1998 c 372 art 2 s 3,4; 1Sp2001 c 8 art 2 s 14; 2006 c 274 s 1*

Copyright © 2012 by the Office of the Revisor of Statutes, State of Minnesota. All Rights Reserved.