

**MINNESOTA STATUTES**

**CHAPTER 943 LAWS OF 1957**

**SECTION 41 AND SECTION 55 THRU SECTION 73**



**MINNESOTA DEPARTMENT OF HIGHWAYS  
JULY 1, 1957**

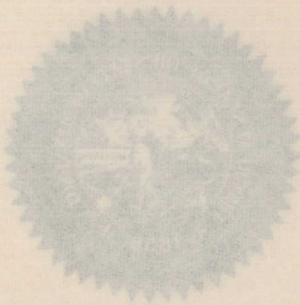


**MINNESOTA STATUTES**  
**CHAPTER 943 LAWS OF 1957**

**SECTION 41 AND SECTION 55 THRU SECTION 73**

Selected Sections of the Law relating to the establishment, location, construction, reconstruction, improvement, and maintenance of the County-State Aid Highways and the Municipal-State Aid Streets.

**MINNESOTA DEPARTMENT OF HIGHWAYS**  
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MINNESOTA STATUTES

CHAPTER 943 LAWS OF 1957

SECTION 41 AND SECTION 55 THRU SECTION 58

Selected sections of the law relating to the establishment, location, construction, reconstruction, improvement, and maintenance of the County-State Aid Highways and the Municipal-State Aid Streets.

MINNESOTA DEPARTMENT OF HIGHWAYS

JULY 1, 1957

COUNTY-STATE AID HIGHWAYS  
AND  
MUNICIPAL-STATE AID STREETS  
LAWS OF 1957

Sec. 41. Subdivision 1. The proceeds of the tax imposed and collected on motor vehicles as provided in Article XVI, Section 9 of the Constitution of the State of Minnesota, and the proceeds of the excise tax as provided for in Article XVI, Section 10 of the Constitution of the State of Minnesota shall constitute the highway user tax distribution fund.

Subd. 2. For the purpose of supplying the deficiencies, if any, in the Highway User Tax Distribution Fund the state treasurer may temporarily borrow from other public funds a sum not exceeding \$1,000,000, in any year; provided that no fund shall be so impaired thereby that all proper demands thereon can not be met.

This brochure containing the sections of the Laws of 1957, Chapter 943, that relate to State Aid Roads and Streets, has been printed for use with the brochure of State Aid Rules and Regulations.

Public officials and governmental employees will find these publications complementary to each other in their use.

1. 20 percent to the county-state aid highway fund.
2. 10 percent to the municipal-state aid street fund.
3. 8 percent to the municipal-state aid street fund.

Subd. 4. 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 Investments in the class of securities specified in section 11.01 of the 1953 Minnesota Statutes and acts amendatory thereto. All interest and profits from such investments shall be credited to the fund on which such interest or profits are earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section.

Sec. 55. Subdivision 1. There is hereby 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 the 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 them or any of them or any portion 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 designated over a center portion of any street in a city, village or borough having a population

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Subd. 2. For the purpose of supplying the deficiencies, if any, in the Highway User Tax Distribution Fund the state treasurer may temporarily borrow from other public funds a sum not exceeding \$1,000,000, in any year; provided that no fund shall be so impaired thereby that all proper demands thereon can not be met.

Subd. 3. The state auditor is directed to deduct or reserve from the highway user tax distribution fund a sufficient sum of money which shall constitute a special fund for the payment of costs of collecting the taxes referred to in subdivision 1 and for payment of refunds of such taxes as is authorized by law, and a sum of money sufficient for such purposes is hereby appropriated from the highway user tax distribution fund. Thereafter, all moneys in the highway user tax distribution fund not needed to reimburse such special fund for money paid out of such special fund for refunds and collection costs shall be transferred to the following funds in the following proportions:

1. 62 percent to the trunk highway fund.
2. 29 percent to the county-state aid highway fund.
3. 9 percent to the municipal-state aid street fund.

Subd. 4. 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 investments in the class of securities specified in section 11.01 of the 1953 Minnesota Statutes and acts amendatory thereto. All interest and profits from such investments shall be credited to the fund on which such interest or profits are earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section.

Sec. 55. Subdivision 1. There is hereby 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 the 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 subdivisions 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 designated 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 such street may be designated as a municipal-state aid street.

Subd. 2. Said 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 state-wide association of county commissioners. Said 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 said 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 commissioners' determination shall be final. Such 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. Said rules and regulations shall have the force and effect of law.

Subd. 4. 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. A certified copy of such resolution shall be transmitted to the commissioner. It shall be the duty of the commissioner to review each such system considering the availability of funds and the desirability of such system in relation to an integrated and coordinated system of highways. After such review the commissioner shall by written order approve such system or any such part thereof which in his judgment is feasible and desirable. A certified copy of such order shall be filed with the county auditor and the county engineer.

Subd. 5. The several county boards shall have power to acquire by purchase, gift or by condemnation in accordance with the provisions of Chapter 117, and acts supplemental thereto, the necessary easements for the establishment, location, relocation, construction, reconstruction, improvement and maintenance of the county-state aid highway system.

Subd. 6. Said 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, however, that with the consent and approval of the commissioner, any such roads made a part of the county-state aid highway system by the provision of this subdivision may be abandoned or changed as such by the county board having jurisdiction over such road. Any such road so removed from the county-state aid highway system shall be a county road

Subd. 7. The county board of any county may establish and locate any county-state aid highway upon or over any established road or street or a specified portion thereof within its limits; provided, however, that no county-state aid highway shall be established or located upon and over any street or road within the corporate limits of any city, village or borough without the approval of the governing body of such city, village or borough. Such approval shall be in the manner and form required by the commissioner.

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

Subd. 9. 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 then, in that event the commissioner may until such county-state aid highway is located and established withhold from such county so much of such county's share of the county-state aid highway fund as he deems advisable.

Subd. 10. Any roads which may have been at any time located and established as county-state aid highways may by joint action of the county board and the commissioner be abandoned or changed as such, provided that no county-state aid highway located or established within the corporate limits of any city, village or borough shall be abandoned or changed without the concurrence of the governing body of such city, village or borough.

Sec. 56. 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 lines of said counties. The county boards of said counties may enter into agreements 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.

Sec. 57. Whenever the construction or improvement of any county-state aid highway is to be done by contract, the county board may agree in such contract to pay the contractor on account of the contract price 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 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.

Sec. 58. 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.

Sec. 59. Subdivision 1. All moneys transferred to the county-state aid highway fund on July 1, 1957 from the State Road and Bridge Fund shall be forthwith set aside and said money shall be expended as hereinafter in this section provided.

Subd. 2. The portions of said money specially allotted to any county prior to July 1, 1957 and any money apportioned to any county prior to July 1, 1957 and not heretofore paid are hereby ratified and confirmed. Such money shall be retained in a separate account to the credit of such county to be used for the purposes for which it was allotted and apportioned regardless of any change in the status or designation of the roads upon which such money was to be expended and shall be paid to such county in accordance with rules and regulations of the commissioner; provided, however, that any such money not so used by December 31, 1958, shall be transferred to the county-state aid highway fund for apportionment among the several counties as hereinafter in this chapter provided.

Subd. 3. On July 1, 1957, or as soon thereafter as practicable, the commissioner shall prepare a statement setting forth the amount of money retained in said separate account to the credit of each county. Said statement shall be forwarded to the State Auditor and certified copies thereof shall be mailed to the county auditor and county engineer of each county.

Sec. 60. Subdivision 1. 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 amount 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. From the total of such sums the commissioner shall deduct a sum equal to 1 1/2 percent of such 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 of this act relating to the county-state aid highway system. On the 31st day of December of each year any money remaining in said account not needed to reimburse the trunk highway fund as heretofore provided shall be transferred to the county-state aid highway fund.

Subd. 3. After deducting administrative costs as provided in subdivision 2 of this section, the commissioner shall set aside such sum of money as is necessary to provide, for the calendar year, a disaster fund of \$300,000. Said sum shall be used to provide aid to any county encountering floods or other disasters affecting its county-state aid highway system. Any county desiring aid by reason of disaster shall request such aid in the form required by the commissioner. Upon receipt of such request the commissioner shall appoint a board consisting of three county engineers and three county commissioners from counties other than the requesting county. Said 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 such county from the disaster fund 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 such aid and the state auditor shall thereupon issue a warrant in that amount payable to the county treasurer of such county. Money so paid shall be expended on the county-state aid highway system in accordance with the rules and regulations of the commissioner.

Sec. 61. Subdivision 1. After deducting for administrative costs and for the disaster fund as heretofore provided, the remainder of the total sum provided for in section 61, 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 such apportionment sum shall be apportioned equally among the 87 counties.
- (2) An amount equal to ten percent of such 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 state-wide motor vehicle registration.
- (3) An amount equal to 30 percent of such 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 state-wide county aid highways.
- (4) An amount equal to 50 percent of such 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 total state-wide money needs; provided, however, 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 10 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. 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 of over 5,000 population, only the construction costs of the center 24 feet of such street shall be included in the money needs of that county; provided, however, 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 said money needs. When a county-state aid highway is located over a street in any city, village or borough of less than 5,000, the construction costs of the entire width of the roadway or street surface may be included in the money needs of that county. To avoid variances in cost 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.

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.

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 such 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. 3. For the purposes of this act state-wide money needs shall be the sum of the money needs of all of the individual counties.

Subd. 4. 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 such county and the money needs of such county that the commissioner deems necessary in order to apportion the county-state aid highway fund in accordance with the formula heretofore set forth in this chapter. Upon receipt of such information the commissioner shall appoint a board consisting of nine county engineers. Such 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. Such 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 such system and the money needs of each county shall be made by the commissioner.

Subd. 5. The commissioner of highways acting with the cooperation of the several county boards shall cause to be made at least once every two years a complete resurvey of money needs of each county. Such resurvey shall be investigated and reviewed in the manner and by the board provided for in Subdivision 4 of this section.

Subd. 6. In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the mileage and money needs of such county. Such estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to such county until such information is submitted.

Sec. 62. Subdivision 1. 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 such 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. 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 such county. Money so allocated shall be set apart and credited to the municipal account of such county.

Subd. 2. 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 such amount to the state auditor, and the county auditor and the county engineer of each county. The amounts so apportioned and allocated to each county shall be paid by the state to the treasurer of such 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. 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 that county; provided, however, 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 expenditure 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 of the commissioner, and under rules and regulations of the commissioner. The amount of money to be apportioned by the counties from other funds for use in the establishment, location, construction, reconstruction, improvement and maintenance of the county-state aid highway system within any county is hereby left to the discretion of the individual county boards. Nothing in this section shall restrict or prohibit a county board from using moneys collected from county road and bridge levies to provide by mutual agreement financial assistance or services to townships or municipalities not otherwise prohibited by law.

Subd. 4. 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 such counties; provided, however, 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 out to the several counties in accordance with the rules and regulations of the commissioner.

Subd. 5. 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, such county shall first obtain the project approval thereof by the commissioner. Thereafter as the work progresses the county engineer shall make such reports and 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 such 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 such county.

Subd. 6. The state auditor shall not issue any such warrants without the certification of the commissioner.

Sec. 63. Subdivision 1. There is hereby created a municipal-state aid street system within cities, villages and boroughs having a population of 5,000, or more. Such system shall be established, located, 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. Said 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 state-wide association of municipal officials. Said 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 said committee shall be elected officials of such cities, villages, and boroughs. The remaining members of said 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. Such rules and regulations shall be printed and copies thereof shall be forwarded to the clerks and engineers of such cities, villages and boroughs.

Subd. 3. Said rules and regulations shall have the force and effect of law.

Subd. 4. In determining whether any such city, village or borough has a population of 5,000 or more, the last federal decennial census shall be conclusive; \*\*

Subd. 5. 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 such street may be a municipal-state aid street.

Subd. 6. 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 said rules and regulations of the commissioner. A certified copy of such resolution shall be transmitted to the commissioner. Upon receipt of such resolution it shall be the duty of the commissioner to review each such system, considering the availability of funds and the desirability of such system in relation to an integrated and coordinated system of highways. After such review, the commissioner shall by written order approve such system or any such portion thereof which in his judgment is feasible and desirable. A certified copy of such order shall be filed with the clerk and the engineer of such city, village or borough.

\*\* provided, however, that if a new city, village or borough is incorporated during the ten year interval between federal decennial censuses, the population of such city, village or borough shall be determined by its incorporation census. Such incorporation census shall be determinative of the population of such city, village or borough only until the next federal decennial census.

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

Subd. 8. The governing body of any such city, village, or borough may, subject to the concurrence of the commissioner, establish and locate any municipal-state aid street upon and over any established street or specified portion of any street within its limits.

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

Subd. 10. The governing bodies of two or more of such cities, villages or boroughs may, with the consent of the commissioner, establish and locate a municipal-state aid street along or near the common boundary line of such cities, villages or boroughs. The governing bodies of such 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.

Sec. 64. Whenever the construction or improvement of any municipal-state aid street is to be done by contract, the governing body of such city, village or borough may agree in such contract to pay the contractor, on account of the contract price, 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 such city, village or borough on the basis of the contract prices. In such case it shall be lawful for the appropriate disbursing officers of such 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 such city, village or borough.

Sec. 65. Nine percent of the net highway user tax distribution fund shall be paid into the municipal-state aid street fund.

Sec. 66. Subdivision 1. 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 such 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. From the total of such sums the commissioner, each year, shall deduct a sum of money equal to one and one-half percent of such 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 of this act relating to the municipal-state aid street system. On the 31st day of December of each year, any money remaining in said account not needed to reimburse the trunk highway fund as heretofore provided shall be transferred to the municipal-state aid street fund.

Subd. 3. After deducting administrative costs as provided in subdivision 2 of this section, the commissioner each year shall set aside a sum of money equal to two percent of the remaining money in the municipal-state aid street fund to provide for a disaster fund; provided, however, that the total amount of money in the disaster fund 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 fund shall be used to provide aid to any such city, village or borough encountering floods or other disaster affecting the municipal-state aid street system of such city, village or borough. Any such city, village or borough desiring aid by reason of disaster shall request such aid in the form required by the commissioner. Upon receipt of such request the commissioner shall appoint a board consisting of three engineers and three members of the governing bodies of such cities, villages and boroughs from cities, villages and boroughs other than the requesting city, village or borough. Said 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 such city, village or borough from the disaster fund shall be made by the commissioner. If the commissioner determines to aid such city, village or borough, he shall certify to the state auditor the amount of such aid and the state auditor shall thereupon issue a warrant in that amount payable to the fiscal officer of such 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.

Sec. 67. Subdivision 1. After deducting for administrative costs and for the disaster fund as heretofore provided, the remainder of the total sum provided for in subdivision 1 of section 66 of this act 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. 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 such street other than the portions taken over by the county shall be included in the money needs of such city, village or borough. To avoid variances in cost 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 such cities, villages or boroughs.

Subd. 3. 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 such 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 in this chapter. Upon receipt of such information the commissioner shall appoint a board of city, village or borough engineers. Such board shall be composed of (1) one engineer from each state highway construction district, (2) one engineer from each city of the first class. Such board shall investigate and review the information submitted by each such city, village or borough. On or before November 1, of each year, such board shall submit its findings and recommendations in writing as to each such 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 such city, village or borough shall be made by the commissioner. In the event that any such city, village or borough shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of such city, village or borough. Such estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to such city, village or borough until such information is submitted.

Sec. 68. Subdivision 1. 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 such amount to the state auditor, and to the clerk and engineer of each such city, village or borough. The amount so apportioned to each such city, village or borough shall be paid by the state to the fiscal officer of such 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. Money so apportioned to each such city, village or borough shall be used for the establishment, location, construction, reconstruction, improvement and maintenance of the municipal-state aid street system within such city, village or borough, provided that in the event of hardship, or in the event that the municipal-state aid highway 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 such 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 any such city, village or borough is hereby left to the discretion of the individual governing bodies of such cities, villages and boroughs.

Subd. 3. 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 such city, village and borough. In the event that agreement cannot be reached, the determination of the commissioner shall be final.

Subd. 4. 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 such 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, as the work progresses, the engineer of such city, village or borough shall make such 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 such cities, villages, or boroughs' 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 such city, village or borough. In no event shall the warrant with all other warrants issued exceed the amount apportioned to such city, village or borough.

Subd. 5. The state auditor shall not issue any such warrants without the prior certification of the commissioner.

Sec. 69. The necessary personal expenses of the members of any boards appointed by the commissioner pursuant to the provisions of this act shall be considered administrative costs of the department of highways and reimbursement of such expenses shall be made from the sums deducted for administrative costs as heretofore provided.

Sec. 70. Subdivision 1. 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 such 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. 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 such 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 such city, village or borough and the county board, and shall be approved by such governing body and the county board. It may be agreed that the city, village or borough shall carry out such construction and that the county shall reimburse the city, village or borough for such share thereof as may be agreed upon, or that the county shall carry out such construction and that the city, village or borough shall reimburse the county for such share thereof as may be agreed.

Subd. 3. 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 such city, village or borough. Such agreement may provide that such maintenance and snow removal be performed by the county board at the sole expense of the county or, that such city, village or borough perform such snow removal and maintenance and the county pay to the city, village or borough such sum to apply on the cost thereof as may be agreed.

Subd. 4. 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 having a population of 5,000 or more in the county, but if no agreement therefore be made with the governing

body of the city, village or borough as in this section provided, the county board may elect as to such cities, villages or boroughs in the county, either that the county perform such snow removal and maintenance or, in lieu thereof, that the county pay to such city, village or borough annually, an amount per mile of 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 such 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 such city, village or borough affected within the county of its election for the ensuing calendar year made pursuant to the provisions of this section

Sec. 71. There is hereby appropriated from the highway user tax distribution fund, trunk highway sinking fund, the trunk highway fund, the county-state aid highway fund, and the municipal-state aid street fund, such sums as are necessary to carry out the provisions of this act.

Sec. 72. Minnesota Statutes 1953, Sections 160.01 to 160.60, Sections 160.62 to 160.81 and Sections 296.32 to 296.42, are hereby repealed on the effective date of this act.

Sec. 73. This act takes effect July 1, 1957.