

Minnesota Attorney General: Administrative Rules Proceedings

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Jon R. Murphy
Assistant Attorney General
Highway Department

December 29, 1976

- Hwy 32 and 32A

STATE OF MINNESOTA

DEPARTMENT OF HIGHWAYS

In the matter of the proposed adoption, amendment and repeal of rules of the Department of Transportation relating to State Aid Operations.

ORDER ADOPTING RULES

- -

The above-entitled matter came on for hearing before the Commissioner of Transportation of the State of Minnesota on the 10th day of November, 1976, at 9:00 A.M. in Room 14, State Office Building, Park Avenue, between Aurora and Fuller, Saint Paul, Minnesota 55155 after proper notice required by Minn. Stat. 1975 (Supp), Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Hwy. 32 Rules for State Aid Operations under Minnesota Statutes 1975,

Chapters 161 and 162, as amended, are adopted this 14th day of December, 1976, pursuant to authority vested in me by Minnesota Statutes Chapters 15, 161 and 162 as amended.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

Jim Harrington Commissioner

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the matter of the proposed adoption of rules of the Department of Transportation relating to Bridge Construction Program Under Laws 1976, Chapter 339

ORDER ADOPTING RULES

- -

The above-entitled matter came on for hearing before the Commissioner of Transportation of the State of Minnesota on the 10th day of November, 1976, at 9:00 A.M. in Room 14, State Office Building, Park Avenue, between Aurora and Fuller, Saint Paul, Minnesota 55155 after proper notice required by Minn. Stat. 1975 (Supp), Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Hwy. 32A Rules for Bridge Construction Program Under Laws 1976, Chapter 339

are adopted this 14th day of December, 1976, pursuant to authority vested in me by Minnesota Statutes Chapters 15, 161 and 162 as amended.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

Jim Harrington

Jim Harrington, Commissioner

Hwy. 32 Rules [and Regulations] for State-Aid operations under Minnesota Statutes [1965], *1974*, Chapters 161 and 162, as amended.

A. Purpose. The purpose of Minnesota [Reg.] *Rule* Hwy. 32 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes [1965], *1974*, Chapter 162, as amended.

B. Scope. The scope of Minnesota [Reg.] *Rule* Hwy. 32 is confined within the framework of and consistent with Minnesota Statutes [1965], *1974*, Chapters 161 and 162, as amended.

C. Definitions. For purposes of Minnesota [Reg.] *Rule* Hwy. 32 the following terms shall mean:

1. Commissioner. The Commissioner of [Highways] *Transportation*.

2. State-Aid Engineer. The State-Aid engineer of the Minnesota [Highway Department] *Department of Transportation*.

3. District Engineer. A district engineer of the Minnesota [Highway Department] *Department of Transportation* or his State-Aid assistant.

4. County Engineer. [The County Engineer of each respective county.] *A registered engineer employed as the county engineer or the director of public works-county engineer of each county*.

5. City Engineer. [The City Engineer of each respective urban municipality] *A registered engineer employed as the city engineer or the director of public works-city engineer of each urban municipality.*

6. Needs Report. A report of the estimated construction cost required to improve a State-Aid system to standards adequate for future traffic on a uniform basis.

7. County-Municipal Account. A separate record of that portion of the County State-Aid highway funds allocated for expenditure solely within cities, [villages, and boroughs] having less than 5,000 population.

8. Urban Municipality. Any city, [village, or borough] having 5,000 or more population, determined in accordance with the provisions of law.

9. Local Highway or Street Departments. The highway or appropriate department of each county and each urban municipality.

10. Township Allotment. The county apportionment of County State-Aid highway funds for use in the construction of township roads.

11. Advance Encumbrance. The authorized expenditure [by a county or urban municipality from other available funds], *of local funds, in lieu of State-Aid funds, by a county or urban municipality* for

use on an approved [County] State-Aid [Highway or Municipal Street-Aid Street] project. [under an] *By* agreement with the commissioner, *the local funds will be repaid to the county or urban municipality* [for repayment] from future county or municipal State-Aid allotments *or from future county or municipal turnback funds.*

12. Screening Committee. The county or municipal committee, appointed in accordance with law, and authorized to recommend to the commissioner the mileage and money needs for each of their [bodies] *State-Aid systems.*

13. Disaster Account. The accounts provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its County State-Aid highway system or Municipal State-Aid street system from fire, flood, tornado or other uncontrollable forces of such proportion that the cost of repairs to such County State-Aid highway system or Municipal State-Aid street system is beyond the normal resources of the county or urban municipality.

14. *Trunk Highway Turnback. A former trunk highway or portion thereof that has reverted to a county or municipality in accordance with law.*

15. Turnback Accounts. The respective accounts provided by law for payment to a county or urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the State-Aid system.

16. *Disaster Committee. A committee, appointed in accordance with the law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its County State-Aid highway or Municipal State-Aid street system and resulting in a financial hardship.*

17. *Local Road Research Board. A board appointed in accordance with these rules to recommend specific research projects to the commissioner.*

18. *Town Bridge Needs. The estimated construction costs required to improve or replace town bridges to standards adequate for future traffic on a uniform basis.*

19. *Town Bridge Account. The apportionment of County State-Aid turnback funds for use in the construction or reconstruction of bridges on township roads.*

20. *Functional Classification Plan. A plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.*

D. Organization and Powers of Local Highway Departments. Each county and each urban municipality shall establish and maintain a highway or street department. Such departments shall be adequately organized, staffed, and equipped to administer for the county or urban municipality all matters relating to the operations of the State-Aid program and to exercise all functions, incidental thereto, in accordance with law. All preparation of plans and specifications, and the supervision of construction and maintenance shall be under the control and direction of a professional engineer, registered in the State of Minnesota and employed or retained for that purpose.

E. Selection and Designation of State-Aid Systems. The State-Aid highways and streets designated to form the basis for a long range improvement program shall, in general, be so selected as to form an integrated network of highways and streets in accordance with the following provisions:

1. Systems.

   a. Final selection of routes to be included in the respective County State-Aid and Municipal State-Aid systems shall be subject to the approval of the commissioner.

   b. The highway and street systems to be selected and designated in accordance with law are:

(1) County State-Aid highway system not exceeding 30,000 miles in extent, *excluding trunk highway turnback mileage.*

(2) Municipal State-Aid Street system not exceeding [1,500] *2,000* miles in extent within urban municipalities, *excluding trunk highway turnback mileage.*

2. Criteria. [Highways and streets selected and designated as a part of the County State-Aid or Municipal State-Aid systems shall have, prior to construction, a minimum right-of-way of sixty (60) feet within municipalities and sixty six (66) feet in rural areas, except for modifications that are approved by the Commissioner. In rural areas, the counties shall acquire control of such additional right-of-way as may be necessary to properly maintain the ditch section. These] *State-Aid* routes shall be selected on the basis of the following criteria:

a. County State-Aid highways which:

(1) Carry relatively heavier traffic volumes or *are functional classified as collector or arterial as identified on the county's functional plans as approved by the county board:*

(2) And connect towns, communities, shipping points, and markets within a county or in adjacent counties;

(a) Or provide access to rural churches, schools, community meeting halls, industrial [plants] *areas,* state institutions, and recreational areas;

(b) Or serve as principal rural mail routes and school bus routes;

[(v) Or act as collectors of traffic from several roads of local interest;]

(3) And occur at reasonable intervals consistent with the density of population;

(4) And provide an integrated and coordinated highway system, affording within practical limits a State-Aid hghway network consistent with [local] traffic demands.

b. Municipal State-Aid streets which:

(1) Carry relatively heavier traffic volumes *or are functionally classified as collector or arterial as identified on the urban municipality's functional plan as approved by the urban municipality's governing body;*

(2) And connect the points of major traffic interest within an urban municipality;

[(iii) Or connect with rural roads or urban routes of community interest and carry major traffic into and through an urban municipality;]

[(iv) And form a system of streets which will effectively serve traffic within the urban municipality.]

(3) *And provide an integrated street system affording within practical limits a State-Aid street network consistent with traffic demands.*

3. Route Designations. All County State-Aid highways and Municipal State-Aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. Within three months after receipt by the commissioner of each such resolution and recommendation, he shall approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria and other requirements set out in these [regulations] *rules*. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of their resolution. All highways or streets so approved shall become a part of the County State-Aid highway system or the Municipal State-Aid street system, subject

to such additions or revisions as may be, from time to time, requested and approved.

a. Turnback Designations. [New] Prior to release of a former trunk highway to the jurisdiction of a county or urban municipality, the commissioner shall notify the board of county commissioners or the governing body of the urban municipality, through its county or city engineer, which portions of the turnback are eligible for designation as part of its State-Aid system. Upon a request for the designation of such eligible portions from the board of county commissioners or the governing body of the urban municipality, the commissioner shall issue the official order for designation and notify the county or municipal screening committee of this action.

[(bb) Turnback Designations Old. These former trunk highways that were reverted to local jurisdiction after January 1, 1957, and prior to July 1, 1965, and which had subsequently been designated as a County State-Aid Highway or Municipal State-Aid Street shall be eligible for payment on the basis set forth in Minn. Reg. Hwy. 32, (g)(3)(ff)(ii), Partial Eligibility.]

F. State-Aid Apportionments. All State-Aid apportionments shall be made from the County State-Aid highway fund and the Municipal State-Aid street fund [respectively], as provided by law. Apportionments to the respective counties and urban municipalities shall be released in accordance with Minnesota [Reg.] *Rule* Hwy. 32, G. [of these regulations.]

1. Money Needs.

a. Construction Costs Estimates. To provide data to implement the formulas for State-Aid apportionment, each county engineer and [urban municipal] *city* engineer shall prepare cost estimates of construction required to improve his County State-Aid or Municipal State-Aid system to approved standards.

b. Incidental Costs. In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

(1) County State-Aid highways:

(a) Automatic traffic control signals.

(b) Lighting of intersections and bridges within approved standards.

(c) Proportionate share of all drainage costs within municipalities, to reflect the responsibility of the State-Aid highway.

(2) Municipal State-Aid streets:

(a) Right-of-Way.

(b) Automatic traffic control signals.

(c) Lighting of intersections and bridges within approved standards.

(d) Proportionate share of all drainage costs, to reflect the responsibility of the State-Aid street.

c. Deductible Items. The respective screening committees shall consider reports from the commissioner, [listing] *consisting of, but not limited to,* the County State-Aid allotments to townships, or the Municipal State-Aid payments on state trunk highways or County State-Aid highways, covering all said allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each such county or municipality, in order to equalize their status with other counties or municipalities not making similar expenditures [of their approved State-Aid system.]

2. Screening Committees.

a. Annual Reports. A detailed report of the State-Aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures

listed under deductible items, and shall, on or before the first day of November of each year, submit their findings and recommendations in writing as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees.

b. Local Road Research Account. Within the limitations provided by law, the respective screening committees shall annually determine, and recommend, the amount the commissioner shall set aside from the County State-Aid highway fund or the Municipal State-Aid street fund, for the purpose of local road research. These funds, along with such Federal funds as may be provided, shall be used [solely] for conducting research [in methods of, and materials for, the construction and maintenance of county and municipal state-aid highway and streets] *as provided by law.* The use and proportionate share of such county and municipal funds shall be as specifically authorized in the project approval as provided for in Minnesota [Reg.] *Rule* Hwy. 32, [(f)(1)] L, 5, c(2).

3. Compilation of Data by Commissioner. The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

4. Notice of Annual Apportionment. Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

[5. Semi-annual statements. Within Thirty (30) days after the close of each six (6) month period, the Commissioner shall submit to each county or urban municipality semi-annual statements as to the status of the respective state-aid accounts.]

G. State-Aid payments. Annual apportionments to the respective counties and to urban municipalities shall be released in the following manner:

1. Maintenance Apportionments. As soon as the annual county and urban municipal State-Aid allotments have been determined, the commissinoner shall apportion and set aside the following amounts:

a. County - Regular Account. Forty percent of the regular County State-Aid allotment for the general maintenance of County State-Aid highways.

b. County - Municipal Account. Forty percent of the County-Municipal Account allotment for the maintenance of County-State-Aid highways within municipalities of less than 5,000 population.

c. Revisions of *county maintenance* apportionments. The commissioner [will] *may, upon recommendation of the screening committee or* upon receipt of a resolution from a county board, and for good cause shown, increase or decrease the proportion to be used for maintenance under either Minnesota [Reg.] *Rule* Hwy. 32, G, 1, a *and*/or b above.

d. Urban Account. Twenty-five percent of the total allocation, or $1,500.00 per mile of improved municipal State-Aid streets, whichever is the least, as the minimum allotment for the general maintenance of the approved State-Aid system. *The commissioner may modify the minimum payment to the extent necessary to accommodate the screening committee resolutions pertaining to trunk highway turnback maintenance allowances.* Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

e. Transfer of Unexpended Balance. Any unobligated balance remaining in the State-Aid maintenance account to the credit of any county or urban municipality, after final settlement has been made for the annual maintenance expenditures, shall be automatically transferred to the construction account of said county or municipality.

[(ff) Advance encumbrance for maintenance. Counties and Urban Municipalities. When the Commissioner approves a request from a county or urban municipality for authority to advance their local funds against future accruals to their State-Aid Maintenance Account, because of an unusually burdensome or unprecedented condition requiring funds over and above the normal State-Aid Maintenance allotment, such local expenditures

will be repaid from their subsequent State-Aid Maintenance allotments.]

[(gg)]f. Payment Schedule. At the earliest practical date, after the allotments have been determined, the commissioner shall release the following amounts to the respective counties and urban municipalities:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. Such request shall include the estimate of the maintenance expenditures anticipated within said account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

[(hh)]g. On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed above, in an amount not to exceed forty percent of the total maintenance allocations. The commissioner shall retain the remaining amounts within said

allocations pending determination of the final amount due, based upon a report of actual maintenance expenditures and receipt of the district engineer's certification of acceptable maintenance performance. Urban municipalities receiving the minimum maintenance allotment as outlined in Minnesota [Reg.] *Rule* Hwy. 32, G, 1, d above will be eligible to receive the balance remaining in their maintenance account upon *the commissioner's* receipt of the district engineer's certification of acceptable maintenance.

2. Construction Apportionments. The construction portion of the annual allocation to each county and urban municipality shall be credited to their respective accounts and retained by the Commissioner for payment on approved projects in accordance with the following procedure:

   a. State-Aid Contracts. The Commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, shall promptly release from the funds available to said county or urban municipality up to ninety percent of the State-Aid portion of said contract. The commissioner, unless otherwise requested, shall retain the remaining percentage of the State-Aid share of said contract, provided funds are available therefor, until the final cost is determined and the project acccepted by the district engineer.

b. Federal-Aid [secondary] Contracts. The commissioner, under authority of an agency agreement with *the governing body of* a county [board] *or urban municipality,* and acting as its agent in Federal-Aid operations, will release from *State-Aid* funds available therefor, ninety percent of the county*'s or urban municipality's* share of the entire contract obligation for immediate redeposit in an agency account, to be used in paying the county*'s or urban municipality's* share of the partial estimates and for advancing the federal share of such estimate payments. The commissioner shall retain the remaining percentage of the contract cost of said project until the final cost is determined and the project accepted by the district engineer. Where other than [County] State-Aid [Highway] funds are to be used for depositing *in the agency account,* [not less than (90)] *one hundred* percent of the [county] *local governmental* share of said contract amounts [in the agency account, the details for such deposits] shall be *deposited in the agency account prior to award of the contract* [set forth in the respective agency agreements].

c. Force Account Agreements. Partial estimates will be accepted on all projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor ninety percent of the cost of current accomplishments as reported by said partial estimates. Upon request of the county or *urban*

municipality, the commissioner will set aside and retain their State-Aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when final estimate is submitted and upon acceptance by the district engineer.

d. Payment Limitations. Approval of State-Aid projects by the Commissioner does not imply that State-Aid payments will be made in excess of the construction funds available from current State-Aid allotments. Any county or urban municipality having depleted their currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

e. Engineering Costs.

(1) Preliminary Engineering. Requests for reimbursement of preliminary engineering costs shall be submitted with the report of State-Aid contract or with the initial partial estimate on an approved force account project. The commissioner shall upon receipt of such request *supplemented by such documentation as may be requested by the commissioner* authorize the reimbursement for actual engineering costs, [not to exceed five (5) percent of the total estimated construction costs.

Where actual preliminary engineering costs are not available from the normal records of the county or urban municipality, reimbursement can be made on the basis of costs determined to be reasonable, but] not to exceed [five (5)] *eight* percent of the total estimated contract or agreement amount.

(2) Construction Engineering. Requests for payment of construction engineering costs shall be submitted along with the final estimate report. The commissioner shall upon receipt of such request, authorize a construction engineering payment which will either be limited to five percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's discretion be paid in the maximum amount of ten percent of said construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

f. Right-of-Way. State-Aid payments for right-of-way costs on approved projects shall be limited to ninety percent of the approved claim until the acquisition of all right-of-way required for the project is actually completed and the final costs established.

g. Advances from County Funds. When the commissioner approves a request from the county board for the construction of an approved County State-Aid project, which requires County State-Aid highway funds in excess of the available allotment and which excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction apportionments to the county's State-Aid accounts in accordance with the terms and conditions specified in the approved request.

h. Advance of [regular] County State-Aid Highway Funds. [to municipal account. Where the Commissioner approves a request from the county board for the advance of regular County State-Aid Highway Funds for use on a municipal section of an approved County State-Aid Highway project, and where repayments to the Regular Account of the County State-Aid Highway Fund are to be made from subsequent accruals to the county's Municipal Account, such repayments will be made by the Commissioner, to the extent authorized by law, in the form of transfers from the county's Municipal Account to their Regular Account, in the amounts and at the time specified in the authorization.]

(1) *Advance of County Regular Account Funds to County Municipal Account Fund. Where the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved County State-Aid highway project, and where repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, such repayments will be made by the* commissioner, *to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.*

(2) *Advance of County Municipal Account Funds to County Regular Account Fund. The commissioner may approve a request from a county board for the advance of County Municipal Account funds for use on an approved County State-Aid highway project provided that notification pursuant to law has been given those municipalities within the county having a population less than 5,000. Advances from the county municipal account fund to the county regular account fund must be repaid to the county municipal account fund from monies accruing to the county regular account fund within a maximum of five years unless the terms and conditions of repayment are otherwise agreed by the county and the governing*

bodies of those cities within the county having a population of less than 5,000. Repayments will be made by the commissioner to the extent authorized by law, in the form of transfers from the county regular account fund to the county municipal account fund, in the amounts and at the time specified in the agreement.

i. Advances from Urban Municipal Funds. When the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved Municipal State-Aid street project, which requires funds in excess of the available allotment and which excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these locally financed expenditures out of subsequent construction apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

j. County or Municipal Bond Account. Any county or urban municipality that resolves to issue bonds payable from the appropriate State-Aid fund in accordance with law for the purpose of establishing, locating, relocating, construction, reconstructing or improving State-Aid streets or highways under its jurisdiction shall certify to the commissioner within thirty days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the

bonded debt. The commissioner shall set up a bond account therefor, itemizing the total amount of principal and interest involved and he shall annually certify to the [state auditor] *Commissioner of Finance* the amount needed from the appropriate State-Aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate State-Aid maintenance fund to pay the current interest. Proceeds from bond sales are to be expended only on approved State-Aid projects and for items determined to be eligible for State-Aid reimbursement. A county or urban municipality which intends to expend bond funds on a specific State-Aid project shall notify the commissioner of this intent forthwith upon the award of contract or the execution of a force account agreement. Upon completion of each such project, a statement of final construction costs shall be furnished to the commissioner by the county or the urban municipality.

k. Municipal State-Aid Funds for County State-Aid or Trunk Highway Projects. The governing body of an urban municipality desiring to use a portion of its State-Aid funds for improvements within its boundaries of any state trunk highway or County State-Aid highway, shall request such authorization by resolution. Before any such funds are released for said purposes, the resolution shall be approved by the commissioner. A copy of the approved resolution shall be filed with the State-Aid engineer. This subparagraph does

not apply to payments made for interest on bonds sold under Laws of *Minnesota* 1959, Chapter 538 *and Laws of Minnesota 1965, Chapter 443.*

3. *Semi-annual statements. Within thirty days after the close of each six month period, the commissioner shall submit to each county or urban municipality semi-annual statements as to the status of its respective State-Aid accounts.*

4. Other authorized payments. Certain specific allotments or transfers of State-Aid funds have been authorized by law. These will be processed as hereinafter provided:

   a. Transfers for Hardship Conditions or Other Local Use. The county board or governing body of any urban municipality desiring to use a part of its State-Aid funds for this purpose shall certify to the commissioner either that all of its existing State-Aid routes are improved to State-Aid standards or that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy equal to or greater than said levy for previous years. Where a hardship transfer is requested, the commissioner may require fiscal information showing the extent of the financial deficiency. Within thirty days of the receipt of a request for transfer, the commissioner shall act to authorize or deny the transfer

of State-Aid funds for use outside of the approved State-Aid system. Upon approval of the requested transfer, the commissioner without requiring any progress reports, shall within thirty days, authorize immediate payment of not less than fifty percent of the total amount authorized, with the balance to be paid within ninety days; or schedule immediate payment of the entire amount authorized if he determines there are sufficient funds available.

b. Township Allotments. Upon receipt of a certified copy of a county board resolution, allocating a specific amount of its County State-Aid construction funds for aid to its townships, which resolution shall indicate compliance with the law governing such allocations and be forwarded to the commissioner on or before the second Tuesday of January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

c. Construction of Selected Park Projects. As provided by law, a portion of the County State-Aid highway funds shall be set aside and used for the construction, reconstruction and improvement of County State-Aid highways which provide access to the headquarters of or the principal parking lot located within a state park. Such funds, so set aside, may be expended for this purpose only on a request from the Commissioner of [Conservation] *Natural Resources*. Projects

so selected will be approved by the Commissioner of Highways in accordance with the procedure established for other State-Aid operations.

d. Disaster Account. Any disaster appropriation approved by the Commissioner for a county or *urban* municipality in accordance with law, shall be promptly paid to the county or urban municipality for which such appropriation was authorized. The funds so allotted and paid to the county or urban municipality can only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Forthwith upon completion of the work for which the disaster payment was made, or the expiration of the time specified for doing such work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed, and showing the total expenditure made therein. In the event the total disaster allotment was not required or used for the purpose specified, the remainder shall be promptly returned to the commissioner for redeposit *in the County State-Aid highway fund or the Municipal State-Aid street fund, as the case may be, and apportioned by law.* [in the disaster account from which it was obtained.] *Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual State-Aid allotment to the county or urban municipality before the*

commissioner shall authorize the disaster committee to inspect the disaster area.

e. Research Account. County and Municipal State-Aid funds that may be annually allocated to the research account shall be used solely for those research projects recommended by the local road research board and approved by the commissioner. Unexpended balances in this account shall at the end of each year be transferred back to the State-Aid fund from which they were obtained.

f. Turnback Accounts. [The funds in the County and Urban Municipal Turnback Accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. These payments shall be made at the times and in the amounts hereinafter specified.] *A percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate accounts in the County State-Aid highway fund and the Municipal State-Aid street fund, and respectively identified as the county turnback account and the municipal turnback account. Further, a percentage of the county turnback account has been set aside and shall be used for replacement or reconstruction of town bridges, 20 feet or more in length, in those counties that have two or*

more towns, pursuant to law. This latter account shall be known as the county town bridge account.

[(i) Full Eligibility. Any former trunk highway reverted to county or municipal jurisdiction subsequent to July 1, 1965 and which is part of the County State-Aid Highway or Municipal State-Aid Street Systems, shall be fully eligible for payment to the County or Municipality of all costs covering the reconstruction and improvement of said highway as detailed on approved plans. The duration of eligibility for the initial construction of such projects shall be limited to a period of five years from the date of reversion to the date of plan approval. After plan approval for the construction of the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each such approved project shall be advanced to construction status, within one year after plan approval. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.]

[(ii) Partial eligibility. The Commissioner may, at the request of a county or urban municipality and upon recommendation of the district engineer, approve for

partial payment with turnback funds, a reconstruction or improvement project on a former trunk highway that was reverted to local jurisdiction after January 1, 1957 and prior to July 1, 1965 and which is part of either the county state-aid highway or municipal state-aid street systems. Such projects to be eligible for payment of turnback funds must have the contract awarded or force account agreement signed prior to July 1, 1970. Participation of county or municipal turnback funds on approved state-aid turnback projects within this category shall be limited to 50% of the total cost of said reconstruction of improvement project.]

(1) Town Bridge Monies Allocation. The sums of monies set aside for town bridges shall be allocated to the eligible counties on the basis of town bridge needs.

(2) Surplus Turnback Funds. At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the townbridge accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the ((state auditor)) Commissioner of Finance requesting the transfer of such surplus to the respective County State-Aid highway fund or Municipal State-Aid street fund for apportionment as provided by law.

(3) Advances from County or Urban Municipal Funds. When the commissioner approves a request from the governing body of a county or urban municipality for the construction of an approved County State-Aid or Municipal State-Aid turnback project which will require funds in excess of the available turnback fund balance and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally funanced expenditures out of subsequent apportionments to the county's or urban municipality's turnback fund in accordance with the terms and conditions specified in the approved request. The total of such advances to be reimbursed from the respective turnback funds shall not exceed forty percent of the last county or municipal turnback allotment. Any advances shall be repaid in accordance with the terms of the approved request from money accruing to the respective turnback funds.

(4) Advances from the Town Bridge Account. When the commissioner approves a request from the governing body of a county for the replacement or reconstruction of a town bridge which will require funds in excess of the county's available town bridge account and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent

apportionments to the town bridge account in accordance with the terms and conditions specified in the approved request. The total of such advances to be reimbursed from the town bridge account shall not exceed forty percent of the last town bridge apportionment. Any advances shall be repaid in accordance with terms of the approved request from monies accruing to the respective town bridge accounts.

[(iii)] *(5)* Release of Turnback Account Funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on *an* [fully] eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to ninety percent of the turnback share of said contract. [or on a partially eligible project, the Commissioner shall release to a county or urban municipality from turnback account funds up to 90% of the turnback share of said contract.] The commissioner shall retain the remaining percentage of the turnback share of said contract, until the final cost is determined and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account

ninety percent of the value as reported by said partial estimates on *an* [fully] eligible turnback project. [and 90% of the turnback share as reported on a partially eligible turnback project.] Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project shall be submitted and payment will be authorized in accordance with [and regulations] -- Minnesota [Reg.] *Rule* Hwy. 32, G, 2, e (1), (2) engineering costs.

(6) Release of Town Bridge Account Funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to ninety percent of the town bridge account share of said contract. The commissioner shall retain the remaining ten percent until the final cost is determined and the project is accepted by the district engineer.

H. State-Aid Standards. Subject to approval by the commissioner, geometric design standards shall be cooperatively determined for use on all County State-Aid highways and Municipal State-Aid streets.

1. Geometric Design Standards.

a. Adoption. The commissioner in cooperation with representatives of the Minnesota County Highway Engineers Association or the City [and Village] Engineers Association of Minnesota, as the case may be, shall establish desirable minimum geometric design standards for use in improving County State-Aid highways and Municipal State-Aid streets.

b. Revisions. When need for revision of State-Aid standards arises, the commissioner shall confer with representatives of the county or city engineers associations and determine such change as might be necessary or desirable, and cause such change to be made in the same manner as outlined above.

2. Specifications. Specifications for construction shall be the latest approved Minnesota Department of Highways specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

3. *Right-of-Way. The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty feet within municipalities and sixty-six feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the commissioner. Prior to construction the counties shall acquire control of such additional widths of Right-of-way in rural areas, as may be necessary to properly maintain the ditch section.*

I. State-Aid Operations. State-Aid funds allotted to counties and urban municipalities shall be expended in accordance with the following provisions:

1. Maintenance.

a. The commissioner shall require a reasonable standard of maintenance on all State-Aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition and the traffic being served. This maintenance shall be considered to include, but shall not be limited to:

(1) The maintenance of all road surfaces, shoulders, ditches and slopes and the cutting of brush and weeds;

(2) The maintenance *and inspection* of all bridges, culverts and other drainage structures;

(3) The maintenance of all regulatory and direction signs, markers, traffic control devices and protective structures in conformance with the current manual on *uniform* traffic control devices and consistent with state-wide application;

(4) The striping of all [properly cured bituminous] pavements of 22 feet or more in width, consistent with the traffic service provided, and for which there are no pending improvements;

(5) The enforcement of parallel parking on any approved State-Aid project;

(6) The exclusion of advertising signs, billboards, buildings and other privately owned installations *other than utilities of public interest* from the right of way of any approved State-Aid projects.

b. Unsatisfactory Maintenance. When, in the opinion of the commissioner, the maintenance of any County or Municipal State-Aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds so retained shall be held to the credit of that county or *urban* municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

(1) Route Markers [On or before January 1, 1973] Approved route markers shall be installed on all rural County State-Aid highways in accordance with the current manual on *uniform* traffic control devices. Failure to comply with this requirement shall result in the withholding of ten percent of the annual maintenance allocation until such markers are properly installed.

c. Biennial Report. The commissioner's biennial report to the legislature shall enumerate all such funds retained more than ninety days, together with an explanation for this action.

2. Construction. Survey, plans and estimates for all State-Aid projects shall be made by or under the immediate direction of the county or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

a. Plans and Estimates. Plans and estimates for each State-Aid construction project must be submitted for review. Each plan shall show all subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which plans are approved by the State-Aid engineer prior to the award of contract or approval of a force account agreement shall be eligible for State-Aid contruction funds.

b. Project Numbers. Approved projects will be assigned State-Aid project project numbers and shall be so identified in records of the State Highway Department and the local governmental unit.

c. Contract Information. Upon award of a State-Aid contract by any county or urban municipality the engineer thereof shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for said approved construction work.

d. Force Account. Any county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices, which shall be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out taxes and contractor's profit. Such requests shall contain a complete list of pay items and the unit prices at which it is proposed to do the work. Prior to the approval by the commissioner, the district engineer shall file his recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements shall be considered incidental work not eligible for State-Aid payment.

e. Project Reports. Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable.

f. Project Payments. On all State-Aid construction projects, the commissioner shall pay a maximum of ninety percent of the contract amount, or of each partial estimate in the case of force account agreements, until final acceptance of the completed work. Upon receipt of required reports and data

and a recommendation of final acceptance by the district engineer, the commissioner shall, within the limits of funds available therefor, authorize final payment for said project within the limitation hereinbefore established.

[(3) Right-of-way. The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty (60) feet within municipalities and sixty-six (66) feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the Commissioner. Prior to construction the counties shall acquire control of such additional widths of right-of-way in rural areas, as may be necessary to properly maintain the ditch section.]

[(4)] 3. Turnback Accounts. [a percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate accounts in the County State-Aid Highway Fund and the Municipal State-Aid Street Fund, respectively identified as the County Turnback Account and the Municipal Turnback account.] *The funds in the county and municipal turnback accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. Further, a percentage of the county turnback account has been set aside, as provided by law, and shall be used for replacement or reconstruction of town road bridges that are 20 feet or more in length in those counties that have two or more towns.*

[(aa) Surplus turnback funds. At any time the Commissioner determined that either the County or Municipal Turnback Accounts has accumulated a surplus not needed for Turnback purposes, he shall properly notify the State Auditor requesting the transfer of such surplus to the respective County State-Aid Highway Fund or Municipal State-Aid Street Fund for apportionment as provided by law.]

a. Eligibility.

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the County State-Aid highway or Municipal State-Aid street systems, shall be eligible for payment from the turnback account to the county or urban municipality of all costs covering the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of reversion. After plan approval for the construction of the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each such approved project shall be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of said project. Payment for

such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.

(2) Any town bridge, 20 feet or more in length, is eligible for replacement or reconstruction if after all pertinent data supplied by local citizenry, local units of government, the Regional Development Commission or the Metropolitan Council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to fifty percent of the cost of the bridge, and will be made in accordance with Minnesota Rule Hwy. 32, G, 3, F, (4).

b. Plan Approval and Construction Requirements. Plans for all County or Municipal State-Aid turnback *or town bridge* projects must be submitted to the commissioner and be approved before any reconstruction or improvement work is undertaken. All of the State-Aid rules [and Regulations] that are [not in] consistent with the turnback regulations shall apply to all projects to be financed from the county or municipal turnback accounts *or the town bridge account*.

c. Construction Authorization. As soon as the plans for a State-Aid turnback *or town bridge* project are approved, the

county or *urban* municipality shall be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account *or town bridge account* and that a priority has been established for said project for construction authorization as soon as funds are available [therefore]. Where local funds are [used] *advanced by the county or urban municipality* to construct an approved project for which sufficient funds are not available in the turnback account *or town bridge account* [such project may be resubmitted in the following year for consideration by the Commissioner in making reimbursement from subsequent accruals to said Turnback Account.] *authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with Minnesota Rule Hwy. 32 G, 4, f, (3) has been approved by the commissioner.*

J. General Rules [and regulations]. In addition to those provisions heretofore mentioned, expenditures of State-Aid funds by any county or urban municipality shall conform to the following rules: [and Regulations]

1. Legal Requirements. State-Aid construction projects shall comply with all federal, state, and local laws, together with all ordinances *rules* and regulations applicable to the work. Responsibility for compliance shall rest entirely with the local unit of government.

2. Bridge Plans. Plans for all bridge construction or bridge reconstruction prrojects shall be approved by the bridge engineer of the Minnesota Department of Highways, prior to the approval by the State-Aid engineer.

3. Reports and Records. Annual reports, status maps, and all maintenance and construction reports and records shall be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

4. Non-compliance. The commissioner, upon determination that a county or urban municipality has failed to comply with the established State-Aid requirements, other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of any portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of such county's or urban municipality's apportionment that shall be retained until such time as suitable compliance is accomplished, or the obligation fulfilled, as the case may be. The amount withheld shall reasonably approximate the extent of the noncompliance or the value of the [obligation unfulfilled] *unfulfilled obligation*.

5. Defective Work. Whenever unsatisfactory conditions are found to exist on an approved construction project, the district State-Aid engineer can, if necessary, order the suspension of all work affected thereby until said condition is satisfactorily corrected.

Failure to conform with such suspension order shall be considered willful non-compliance. All work or materials which fail to conform to the requirements of the contract or force account agreement shall be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with paragraph 4 [above], or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

6. Engineering and Technical Assistance. The commissioner may, as authorized by law, execute agreements with any county or urban municipality for technical assistance from the Department of Highways. These services, if furnished, shall be paid for by the governmental subdivision at the rates established by the Department of [Highways] *Transportation*.

K. General State-Aid Limitations. The extent of State-Aid participation on special items shall be limited as follows:

1. Lighting. The lighting of hazardous or accident-prone locations, were concurred in by the traffic engineer of the Minnesota Department of [Highways] *Transportation* shall be considered as eligible expense to the following extent:

a. New Construction. Cost of complete lighting at approved locations only on multiple-lanes. (More than one lane in each direction.)

b. Cost of lighting approved intersections on single-lane design. (One lane in each direction.)

c. Locations where the municipality would normally install lighting units are not considered as an eligible expense. The county or urban municipality shall furnish traffic information or other needed data to support its request.

d. Reconstruction. All costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

2. Traffic Control Signals. Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of [Highways] *Transportation* prior to the approval of the State-Aid engineer. The extent of State-Aid participation in all signal installations shall be determined by the State-Aid engineer in relation to the proportion of State-Aid routes involved at each installation.

3. Right-of-Way. The cost of any lands and properties required to accommodate the design width of the street or highway as governed by the State-Aid standards, including necessary width for sidewalks, shall be considered as eligible expense. This cost may include *relocation and moving costs as provided by law and may include* damages to other lands if reasonably justified to the satisfaction of the commissioner.

4. Sidewalks. On County State-Aid projects, sidewalks shall be considered as an eligible expense only where the proposed construction necessitates the alternation of existing walks. On Municipal State-Aid street projects, State-Aid payment for sidewalk may be made when requested by the *urban* municipality.

5. Storm Sewers. Plans containing items for storm drainage shall be reviewed by the hydraulics engineer for the Minnesota Department of [Highways] *Transportation* and his recommendations obtained as to design features and the proportionate share chargeable to the State-Aid system. These recommendations, along with those of the district engineer shall be considered in determining the maximum State-Aid participation in said work.

L. Local Road Research Board. The commissioner shall appoint a local road research board consisting of the following members:

1. Four county engineers, only one of whom may be from a county containing a city of first class.

2. Two city engineers, only one of whom may be from a city of first class.

3. Two Department of [Highway] *Transportation* staff engineers.

4. One University of Minnesota staff engineer.

5. One Ex officio secretary, who shall be the department's research coordination engineer.

a. Initial Appointments. The initial terms of the appointees shall be as follows, beginning January 1, 1960:

(1) One county engineer -- 1 year.

(2) One county engineer -- 2 years.

(3) Two county engineers -- 3 years.

(4) One city engineer -- 2 years.

(5) One city engineer -- 3 years.

b. Future Appointments. All future appointments of county and city engineers, except for unexpired terms shall be for three years. The other members shall serve at the will of the commissioner.

c. Operating Procedure:

(1) The board shall initially meet on call from the commissioner, at which time they shall elect a chairman, and establish their own procedure for the selection of research projects to be recommended to the commissioner.

Final determination on all such research projects shall be made by the commissioner, and the cost thereof shall be paid out of the State-Aid research accounts provided for by law.

(2) In the event that the board recommends a project covering research in methods of and materials for the construction and maintenance of both the County State-Aid highway system and the Municipal State-Aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of such project to be borne by the respective County State-Aid highway research account, and the Municipal State-Aid street research account, based on the benefits to be realized by each system from such research project.

M. Personal expenses of authorized board or committee members. The commissioner will authorize the payment of all necessary personal expenses in connection with meetings of board and committee members, appointed by him for State-Aid purposes. These expenses shall be reported on forms furnished by the commissioner and paid from the State-Aid administrative fund.

N. Identification and numbering. The commissioner is authorized and empowered to change the numbering system of the approved rules [and Regulations].

O. *Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision or any other part.*

Hwy. 32A *Rules for Bridge Construction Program Under Laws 1976, Chapter 339*

A. *Purpose. The purpose of Minnesota Rule Hwy. 32A is to carry out the mandate of the legislature and to effectuate that mandate with respect to application, selection and funding of bridge construction projects on key bridges under local jurisdiction as set forth in Minnesota Laws of 1976, Chapter 339.*

B. *Scope. The scope of Minnesota Rule Hwy. 32A is confined within the framework of and consistent with Minnesota Laws of 1976, Chapter 339, Section 1, and Minnesota Statutes 1974, Chapters 161 and 162 as amended.*

C. *Definitions. For purposes of Minnesota Rule Hwy. 32A the terms defined in Minnesota Rule Hwy. 32 shall have the same meaning.*

D. *Any deficient bridge, 20 feet or more in length, is eligible to be financed wholly or partially by the Minnesota state transportation fund and is subject to State-Aid Standards and Specifications as provided in Minnesota Rule Hwy. 32H.*

E. *Application for state financing of a project shall be made by resolution of a county board in the case of roads under the jurisdiction*

of counties, townships or municipalities of less than 5,000 population, or resolution of a city council of an urban muncipality. Prior to selection by the commissioner, every application shall be reviewed by the appropriate Regional Development Commission or Metropolitan Council for consistency with its long-term comprehensive development plan and guides.

F. *Criteria for the selection of specific bridge projects will be the same as the six factors required to be considered under Minnesota Laws 1976, Chapter 339, Section 1, Subdivision 6 as it may be amended. The commissioner will make the final determination as to priority of construction.*

G. *Release of funds to the local road authority will be in accordance with Minnesota Rule Hwy. 32 G, 2, a.*

H. *Minnesota Rule Hwy. 32A shall expire at such time as rules of the Minnesota Department of Transportation implementing Minnesota Laws of 1976, Chapter 339, become effective. Any agreement, obligation or contract entered into pursuant to Minnesota Rule Hwy. 32A shall remain in full force and effect after expiration of the rule.*

APPROVED AS TO FORM AND LEGALITY
DEC 27 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 27 1976 -4:00 pm
Joan Anderson Growe
Secretary of State