

# State Highway Jurisdictional Transfer Program

## Program Overview

The purpose of the State Highway Jurisdictional Transfer (Turnback) Program is to better serve the public by assigning roads to the jurisdictions best suited to effectively and efficiently operate them. For example, a road of lower priority on the state system is typically given higher priority on a county or city system. Occasionally the opposite is true and the public is better served when a road under local jurisdiction is transferred to the state system. Highways transferred from state to county or city jurisdiction often become part of the state aid system. Such transfers typically include funding for improvements or repairs.

## Program Origin and Guidance

Minnesota's State Constitution Article XIV<sup>1</sup> established a state (trunk) highway route system that may not exceed 12,200 miles in extent. State highway routes are authorized by general description in article XIV of the constitution and by additional statutes. All routes are described in Minnesota Statutes 161.114 through 161.12<sup>2</sup>. Throughout the nearly 100 year history of the state highway system, it has been necessary to continually revise the state and local highway systems to meet the state's changing transportation needs.

Among the statutory duties and powers of the state commissioner of transportation are guidance and authority to select suitable roads for the state system; to transfer roads between state and local units of government; and to enter into agreements with local government. The commissioner uses these powers when local elected officials approve of proposed transfers or when directed by statute or law.

## Funding

Minnesota's constitution also established the Highway Users Tax Distribution Fund (HUTDF) consisting of, in part, fuel tax, license fee and motor vehicle sales tax revenue. Minnesota Statutes 161.081<sup>3</sup> establishes Flexible Highway Account funding for restoration of former state highways that have transferred to counties or cities. Funds are divided between the twin cities metropolitan area and greater Minnesota annually, typically a 50/50 split of the available funds. These funds are spent as county and municipal state aid funds and all state aid rules and practices are applied.

Projects eligible for these funds are included in a six-year program. If there becomes a time when funds are not needed for jurisdictional transfer projects, the funds may be used for routes of regional

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<sup>1</sup> [https://www.revisor.leg.state.mn.us/constitution/#article\\_14](https://www.revisor.leg.state.mn.us/constitution/#article_14)

<sup>2</sup> <https://www.revisor.mn.gov/statutes/?id=161>

<sup>3</sup> <https://www.revisor.mn.gov/statutes/?id=161.081>

significance or safety improvements on county highways, municipal streets or town roads as specified by the statute.

The table below shows a five year (2015-2019) summary of Flexible Highway Account funds and number of projects receiving funds each year.

## Project Selection

Jurisdictional transfers are negotiated with the receiving agency. Selection of projects are included in negotiation and approved by local elected officials. Statutory guidance establishes use of Flexible Highway Account funds for restoration of a road to a condition acceptable to the receiving agency. Scope of work for a project is determined by what is needed for restoration.

## Program Status

In 2014, the Minnesota Jurisdictional Realignment Project report was completed and it identified approximately 1,181 miles of roadway related to the state highway system that are potentially misaligned by ownership. Accounting for transfers from local agencies to the state, the report suggests a net decrease in the state highway system of 946 miles. Currently the highways under state jurisdiction total approximately 11,749 miles (2017). The six-year transfer program utilizes information from the study to identify projects for funding. The projects in the program are in different phases of transfer negotiation and development. Visit the State Aid Administration webpage<sup>4</sup> to see more information on the jurisdictional transfer program.

### *Flexible Highway Account Five Year Summary*

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Funds</b>	\$52.8 M	\$54.7 M	\$54.7 M	\$60.4 M	\$59.9 M
<b>Projects Receiving Funds</b>	16	13	12	12	11

*Total Funds Data source: Commissioner's Order<sup>5</sup>, 2015-2019*

## For More Information

Contact Mark Vizecky, Program Manager at [mark.vizecky@state.mn.us](mailto:mark.vizecky@state.mn.us) or 651-366-3839.

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<sup>4</sup> <http://www.dot.state.mn.us/stateaid/administration.html>

<sup>5</sup> <http://www.dot.state.mn.us/safinance/apportionments.html>