

CHAPTER 8810
DEPARTMENT OF TRANSPORTATION
TRUNK HIGHWAY SYSTEM

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NONMOTORIZED TRAFFIC PROHIBITED ON INTERSTATE HIGHWAYS

8810.0050 ORDER 30757; INTERSTATE HIGHWAY EXCLUSIONS.

Pursuant to the Laws of Minnesota 1959, chapter 439, and after due consideration for safety and convenience of public travel on the main roadways, entrance and exit ramps to same on the national system of interstate and defense highways in Minnesota, it is hereby ordered that the use of such main roadways and ramps by pedestrians, bicycles, or other nonmotorized traffic, or by any person operating any such vehicle, is hereby prohibited.

Statutory Authority: *MS s 169.305*

OUTDOOR ADVERTISING DEVICES

8810.0200 DEFINITIONS.

Subpart 1. **Terms defined by statute.** For the purpose of this rule, the terms "adjacent area," "advertising area," "advertising device," "business area," "commercial or industrial activities," "directional signs," "erect," "interstate highways," "maintain," "official signs and notices," "primary highway," "public utility signs," "scenic area," "service clubs and religious notices," "unzoned commercial or industrial area" shall have the meanings given them in Minnesota Statutes, chapter 173.

Subp. 2. **Back to back.** "Back to back" means that there shall not be more than an eight-foot distance between sign faces. Signs will face in opposite directions, and be owned by the same permittee.

Subp. 3. **Controlled freeway.** "Controlled freeway" means an expressway with full control of access.

Subp. 4. **Expressway.** "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separation at intersection.

Subp. 5. **Frontage road.** "Frontage road" means a local street or road auxiliary located on the side of an arterial highway for service to abutting property and for control of access.

Subp. 6. **On-premise sign.** "On-premise sign" means an advertising device located on the premises or contiguous property of an individual, business, or organization when the sale or lease of the premises or the identification, products, or services of the individual, business, or organization are the subject of the advertising device.

Subp. 7. **Roadbed.** "Roadbed" means that portion of the roadway between the outside edges of finished shoulders.

Subp. 8. **Side by side.** "Side by side" means there shall not be more than a two-foot distance between the closest edge of two signs facing the same highway(s) and direction of travel, and owned by the same permittee.

Subp. 9. **V-type sign.** "V-type sign" means that there shall not be more than an eight-foot distance between the closest edge of each sign face, and owned by the same permittee. Signs will be facing in opposite direction.

Statutory Authority: *MS s 173.01; 173.06*

8810.0300 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of these rules is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes 1969, chapter 173, as amended by Laws of Minnesota 1971, chapter 883, the Minnesota Outdoor Advertising Control Act, with reference to the placement and control of advertising devices and establishment of scenic areas on lands along and adjacent to the interstate and primary systems of highways in the state of Minnesota.

Subp. 2. **Scope.** The scope of these rules is confined to and consistent with Minnesota Statutes, sections 173.01 to 173.27.

Statutory Authority: *MS s 173.01; 173.06*

8810.0400 EXCLUSIONS AND EXEMPTIONS.

Subpart 1. **Property signs.** Signs erected by the owner or occupant of the property on which they are located that are not erected for the purpose of advertising to or attracting the attention of operators and occupants of motor vehicles on the primary or interstate system of highways (such as no trespassing, no hunting or signs warning of impending danger on the land) are not deemed advertising devices and are excluded and exempt from regulation and control.

Subp. 2. **Additional exemptions.** In all areas the following types of advertising devices are excluded and exempt from regulation and control: devices erected or maintained for the purpose of posting or displaying information required or authorized by law; devices of which the advertising copy is not primarily viewed from any traveled portion of the interstate or primary highway or fully controlled freeway; official signs and notices; and public utility signs.

Statutory Authority: *MS s 173.01; 173.06*

8810.0500 PROHIBITED SIGNS AND MAINTENANCE.

Subpart 1. **Signs.** All signs erected or encroaching on any right-of-way or sign easement are illegal and must be removed.

Advertising devices with copy, message, or displays using words, color, statements, or illustrations which might imply official direction or control of traffic are prohibited.

Subp. 2. **Maintenance.** Maintenance of advertising devices which can only be serviced from the right-of-way of the interstate system of highways or controlled freeways is prohibited, except such devices may be serviced from frontage or service roads where they occur.

Statutory Authority: *MS s 173.01; 173.06*

8810.0600 MEASURING SIGN AREA.

In all areas, all signs shall be measured by the smallest square, rectangle, triangle, circle, or combination thereto, which will encompass the entire sign.

Statutory Authority: *MS s 173.01; 173.06*

8810.0700 BACK TO BACK, SIDE TO SIDE, AND V-TYPE SIGNS.

In all areas signs erected back to back, side by side, or in a V-type construction by one owner shall be deemed to be one sign structure and will be required to have only one permit. The largest advertising area on either side of the sign structure shall be the square foot measurement applicable to the permit fee schedule. Each side of a sign structure so designed shall be directed toward a different direction of travel, making it impractical to simultaneously view both sides of the structure from any one traffic lane.

Statutory Authority: *MS s 173.01; 173.06*

8810.0800 SCENIC AREAS.

Subpart 1. **Establishing.** The commissioner shall establish scenic areas along the primary or interstate system of highways pursuant to Minnesota Statutes, section 173.04 and chapter 14.

Subp. 2. **Prohibited devices.** Advertising devices prohibited by Minnesota Statutes, sections 173.08, 173.13, and 173.15 are also prohibited in scenic areas.

Subp. 3. **On-premise signs.** Within a scenic area on-premise signs as follows are allowed:

A. one name plate sign per real estate parcel not to exceed eight square feet in size including trim and border but excluding base and apron supports and other structural members;

B. two signs, one facing each direction of traffic per real estate parcel not exceeding eight square feet in size per each face, including trim and border but excluding base and apron supports and other structural members, for the purpose of advertising the sale, hire, or lease of the property or contiguous property of the parcel owner, lessee, or occupant; and

C. any sign not exceeding 150 square feet in size (per face) including border, trim, or other embellishments, excluding base and apron supports and other structural members advertising the business conducted, services rendered, goods produced or sold that is within 100 feet in either direction of travel (as measured along the edge of the roadbed) from the site on the property where said activity or activities are conducted or access thereto is

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provided. Outside this 100 feet of the site on the property where said activity or activities are conducted or access thereto is provided there shall not be more than two on-premise advertising devices, one facing each direction of traffic.

Statutory Authority: *MS s 173.01; 173.06*

8810.0900 SIGNS IN BUSINESS AREAS.

Subpart 1. **Areas within corporate limits.** Subject to the provisions of Minnesota Statutes, section 173.16 (signs erected after June 7, 1971, in a business area within a corporate limit), the maximum area of a sign face shall not exceed 1,000 square feet including border and trim, but excluding base and apron supports and other structural members. Maximum size limitation shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction, but not more than two displays to each side of a sign structure.

Subp. 2. **Areas outside corporate limits.** Subject to the provisions of Minnesota Statutes, section 173.16 (signs erected after June 7, 1971, outside of a corporate limit in a zoned or unzoned business area), the maximum area of a sign face shall not exceed 750 square feet including border and trim, but excluding base and apron supports and other structural members. Maximum size limitation shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction but not more than two displays to each side of a sign structure.

Subp. 3. **Nonrecognition of area.** For the purposes of Minnesota Statutes, section 173.02, subdivision 17, a business area shall not be recognized when the land on which the activity is conducted is operating on a grandfather clause, special use, variance, or temporary permit.

Subp. 4. **Termination of classification.** For the purposes of Minnesota Statutes, section 173.02, subdivision 17, if a business area is rezoned or ceases to meet the requirements of the law, these rules, or any other authority, such business area shall cease to exist and any then legal advertising device existing therein at such time shall become a legal nonconforming device.

Subp. 5. **Unzoned areas.** The establishment of an unzoned business area does not abrogate any more restrictive criteria established by law, this rule, or any other authority.

Statutory Authority: *MS s 173.01; 173.06*

8810.1000 UNZONED COMMERCIAL OR INDUSTRIAL AREAS.

Subpart 1. **Measurements.** For the purposes of Minnesota Statutes, section 173.02, subdivision 24, unzoned commercial or industrial areas, all measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activity, not from the property lines of the activity, and shall be along or parallel to the edge of the pavement of the highway.

Subp. 2. **Commercial or industrial activity.** For the purposes of Minnesota Statutes, section 173.02, subdivision 24, the unzoned commercial or industrial activity will be an activity which is in an area that would be generally recognized as commercial or industrial by zoning authorities within the state, and such activity without discrimination, except as to age, serves the general public, during normally accepted business hours and on a regularly scheduled basis of not less than 150 days of continuous operation, during a state annual permit period.

Statutory Authority: *MS s 173.01; 173.06*

8810.1100 SPACING AND LOCATION FOR BUSINESS AREAS.

Subpart 1. **Measuring.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, distance restrictions between advertising devices apply only to those devices physically located on the same side of the highway regardless of the direction of travel to which the display or message is directed. Measurements to determine the location of one advertising device in relation to another will be made along the edge of the roadbed between

the closest extremities of said devices, with the termini projected along lines perpendicular to the edge of the roadbed.

Subp. 2. **Intersections.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, clause (4), outside of incorporated cities, villages, or boroughs where an intersection includes ramps or legs, the intersection shall be construed as the entire area circumscribed by a line connecting all points where the outmost ramps or legs leave or enter the main traveled roadway and where they intersect with another highway or road. Advertising devices will not be permitted within 500 feet of the point where the outmost ramps or legs leave or enter the main traveled roadway or for 500 feet on the other highway or road from the point of its intersection with the ramps or legs, nor in the area between said points. This is defined as the area adjacent to the ramp and legs. Devices may however be affixed on or located to a building at such an intersection but in such a manner so as to cause no greater visual obstruction than the building itself.

Subp. 3. **Prohibited area at intersection.** For the purpose of Minnesota Statutes, section 173.16, subdivision 4, clause (5), on primary highways or fully controlled access freeways outside of incorporated cities, villages, or boroughs where there are no ramps or legs, the prohibited area at an intersection shall be construed as the entire area of 300 feet outwardly as measured along the roadway from the center point of two intersecting roadbeds. Advertising will not be permitted within this 300-foot area.

Subp. 4. **Another highway, defined.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, clauses (4) and (5), another highway shall mean any highway, street, road, or public way for vehicular travel, maintained by the state or any other public agency, which enters directly into the main traveled way of the highway which it is said to intersect.

Subp. 5. **T intersections.** For the purposes of Minnesota Statutes, section 173.16, subdivisions 4 and 5, the restrictive distances at "T" intersections shall apply to lands on both sides of the highway as though the road physically ending at the highway continued and extended beyond at a 90-degree angle as measured from the center line of the roadway.

Statutory Authority: *MS s 173.01; 173.06*

8810.1200 ADDITIONAL SPACING REQUIREMENTS.

Subpart 1. **Exempt and excluded devices.** Spacing restrictions as set forth in Minnesota Statutes, section 173.16 are not applicable between exempt and excluded devices described in parts 8810.0400, subpart 2 and 8810.0800, subpart 3 and nonexempt devices.

Subp. 2. **Prohibited advertising areas.** For the purposes of Minnesota Statutes, section 173.08, subdivision 2, the restrictive distances that determine areas in which advertising devices are prohibited will apply to lands along and adjacent to interstate, primary highways and expressways and fully controlled freeways both before and beyond property used for any school, church, national, state or local park, historic site, public picnic area, wayside, overnight, or public safety rest area. Such restrictive distances shall be measured along the edge of the roadbed beginning at a point which is an extension, perpendicular to the edge of the roadbed, of the intersection of the property line of the area and the normal highway right-of-way line. The restrictive distances shall apply to lands along and adjacent to the opposite side of the interstate, primary highway, expressway and controlled freeway, as measured by an imaginary line crossing the highway.

Statutory Authority: *MS s 173.01; 173.06*

8810.1300 PERMITS, FEES, AND RENEWALS.

Subpart 1. **Permit applications.** Applications for permits may be obtained at any district office or central office of the Minnesota Department of Transportation. However, for the purpose of processing and approval, permit applications will be filed at or forwarded to the department's district office having jurisdiction over the area in which the advertising device is located.

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The application for permit shall be filled out in its entirety and all applications will be processed in order of receipt. If an application has to be returned for any additional information required to properly evaluate the application, it will not retain its preference over any other application that may be pending for the same area.

All applications will be processed by the necessary department personnel and a permit will be issued or denied within 30 days after its arrival at the district office. With respect to applications received prior to the 15th day of the month, the permit fee will be charged as of the first day of that month. With respect to applications received on or after the 15th day of the month, the permit fee will be charged as of the first day of the following month.

Subp. 2. **Payment.** All applications must be accompanied by a certified check, bank draft, or money order unless prior arrangements are made with the commissioner of transportation.

Subp. 3. **Deadline.** The owner of any advertising device which was lawfully in existence on June 8, 1971, and which is not controlled by an annual permit must apply for a permit for such device by September 8, 1971.

Subp. 4. **Expiration and renewal.** Requests for permit renewals will not be accepted more than 60 calendar days prior to the expiration date of the permit. All permits within scenic areas will expire on December 31 of each year. All permits for signs in nonscenic areas will expire on June 30 of every year.

Subp. 5. **Void permits.** All permits issued for erection of a new advertising device are null and void if the erection of the device is not completed within 120 calendar days after the permit has been issued. If a permit is voided because of no erection there will be no refunds of moneys and a new application and process shall be initiated.

Subp. 6. [Repealed, L 1994 c 635 art 2 s 9]

Subp. 7. **Penalty.** Any advertising device for which no permit application or permit renewal has been submitted shall be removed pursuant to law.

Subp. 8. **Revocation and new applications.** When a permit is revoked pursuant to Minnesota Statutes, section 173.13, subdivision 10, applications for a permit for that site will be accepted from new applicants only after the outdoor advertising device of the former permit holder has been completely removed. New applications will be processed in the order in which they are received.

Subp. 9. **Disassembly.** For the purposes of Minnesota Statutes, sections 173.09, 173.13, subdivision 11, 173.17, 173.18, and 173.21, "remove," "removed," and "removal" shall mean the complete disassembly of the device including all component parts, except if removal would result in substantial structural damage to a building. All electrical services shall be disconnected, if any, and there shall be a complete removal of wires, conduit, and supporting structures, the filling of any ground excavations or holes and the removal from the property of all disassembled elements of the advertising device and its supporting structure.

Subp. 10. **Nonrenewal.** For the purpose of Minnesota Statutes, section 173.13, an advertising device for which a permit can be issued shall when erected be a complete billboard, sign, notice, poster, or display intended to advertise a product or legend. An advertising device which is painted out, or painted over, or advertising space for lease and which has so existed for one permit period shall not be considered for a permit or renewal. Where there are posts only, partial structure, company name markers, or no structure at all, a renewal shall not be issued.

Subp. 11. **Excluded notices.** Service club and religious notices shall not be governed by the provisions of Minnesota Statutes, section 173.16, subdivision 4, clause (2).

Subp. 12. **Changes requiring new permit.** For the purposes of Minnesota Statutes, section 173.13, subdivision 4, any change in advertising area which exceeds the advertising area for which a permit had been issued shall require a new permit application.

Statutory Authority: *MS s 173.01; 173.06*

History: *L 1994 c 635 art 2 s 9*

8810.1400 CERTIFICATION OF ZONING.

For the purposes of Minnesota Statutes, section 173.16, subdivision 5, bona fide zoning authorities may request the commissioner of transportation to accept the legitimate local zoning applicable to control of advertising devices within legally zoned commercial or industrial areas. All requests for certification shall include information regarding regulation of size, lighting, spacing, and annual permit requirements as well as all pertinent information required to properly evaluate the application.

All certification shall apply to the then existing boundaries of the zoning authority and any further addition or elimination of land will be treated on an individual basis under the provisions of Minnesota Statutes, section 173.16, subdivision 2. All requests for certification shall include a copy of the minutes or procedure authorizing the zoning authority to request such certification from the commissioner of transportation.

All certification shall be on an annual basis and shall be based upon local enforcement. Failure to enforce may result in revocation of certification.

Statutory Authority: *MS s 173.01; 173.06*

UTILITIES EQUIPMENT

8810.3100 DEFINITIONS.

Subpart 1. **Interstate highways.** Under this order "interstate highways" shall mean all trunk highways which are a part of the interstate system.

Subp. 2. **Noninterstate highways.** Under this order "noninterstate highways" shall mean all trunk highways which are not a part of the interstate system.

Subp. 3. **Trunk highways.** Under this order "trunk highways" shall mean all trunk highways including those which are a part of the interstate system.

Subp. 4. **Utility.** Under this order "utility" shall mean and include all privately, publicly, or cooperatively owned communication lines and facilities, any systems, lines, and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam, and other pipe lines, railways, ditches, flumes, or other structures which under the laws of this state or the ordinance of any village or city may be constructed, placed, or maintained across, along, or on trunk highway right-of-way. Dependent upon the meaning intended in the context, "utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

Statutory Authority: *MS s 161.45*

8810.3200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.3100 to 8810.3600 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in the Laws of Minnesota 1959, chapter 500, article II, section 45 (Minnesota Statutes, section 161.45) with reference to the placing, constructing, reconstructing, and maintaining of utilities across, along, upon, or under the right-of-way of trunk highways.

Subp. 2. **Scope.** The scope of parts 8810.3100 to 8810.3600 is confined within the framework of and consistent with the Laws of Minnesota 1959, chapter 500, article II, section 45.

Statutory Authority: *MS s 161.45*

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8810.3300 PERMITS.

Subpart 1. **Construction.** Except as otherwise permitted, utility construction and re-location on trunk highway right-of-way shall not be commenced until an application for a permit for construction has been made and such permit granted. The permit for construction sketch shall show the location of the proposed utility with reference to pertinent features such as the right-of-way lines, curb lines, trunk highway center line, etc. A copy of the sketch shall be provided for each copy of such permit. Prints of trunk highway right-of-way maps are available upon request from the Road Plans Information Office, Department of Transportation Building, Saint Paul, Minnesota 55155.

Subp. 2. **Maintenance.** The utility shall obtain a work permit from the office of the assistant district engineer, maintenance, prior to performing service and maintenance operations on the interstate highways and shall also obtain a work permit prior to performing service and maintenance operations on the noninterstate highways when such operations require opening and disturbing the surface of the right-of-way thereof. In all other instances the utility shall notify the office of the assistant district engineer, maintenance, prior to performing service and maintenance operations on the noninterstate highways which interfere with the normal flow of traffic thereon. However, the company may perform service and maintenance operations on the trunk highways including opening and disturbing the surface of the right-of-way without a work permit in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. The utility upon knowledge of such an emergency shall immediately notify the State Patrol Division. The utility shall take all necessary and reasonable safety measures to protect the traveling public and shall cooperate fully with the State Patrol Division to that end. The utility in such an event will request a work permit from the office of the assistant district engineer, maintenance, not later than the second working day thereafter when a work permit would ordinarily have been required but for the emergency.

Subp. 3. **Orders to make improvements.** If at any time the state of Minnesota, acting through its commissioner of transportation, shall deem it necessary to make any improvements or changes on all or any part of the right-of-way of the trunk highway which affect a utility located on trunk highway right-of-way, then and in such event, the owner of the utility shall within 15 days after written notice from the commissioner of transportation or an authorized agent, proceed to alter, change, vacate, or remove said utility from the trunk highway right-of-way so as to conform to said trunk highway changes and as directed by the commissioner of transportation. Such work shall be done without any cost whatsoever to the state of Minnesota except as otherwise provided by law or agreement and shall be completed within the date specified in said written notice, which date shall be reasonable under the circumstances. The utility shall assume all liability and save the state of Minnesota harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice. Notwithstanding the provisions of parts 8810.3100 to 8810.3600, the state may reimburse a municipality for the cost of the first relocation of a municipally owned utility located within the limits of a municipal street at the time that the street was taken over by the state as a trunk highway, when such relocation is required by construction or reconstruction of the trunk highway.

Subp. 4. **Along interstate highways.** Utilities along the interstate highways shall be located outside the control-of-access lines except as outlined below. Where the control-of-access lines coincide with the right-of-way lines, the utilities shall generally be located on private property. Where the control-of-access lines and right-of-way lines do not coincide, utilities may in general be located in the area between them. All utilities shall be serviced and maintained without access from the ramps, loops, and through traffic roadbeds. Utilities may be serviced from frontage roads and roads other than another interstate highway which cross either over or under the interstate highway. At aerial crossings of an interstate highway, supporting poles may be located on interstate highway right-of-way if they are a minimum of 30 feet beyond the shoulders of all through traffic roadbeds; however, in no event shall they be located in a median unless its width is 80 feet or more. Manholes and

other points of access to underground crossings may be permitted on the interstate highway right-of-way only when located outside the shoulders of the through traffic roadbeds, loops, or ramps. The restrictions of this subpart shall not apply to utility lines which service facilities required for operating the interstate highway.

There may be extreme cases where, under strictly controlled conditions, a utility may be permitted inside the control-of-access lines along an interstate highway. In each case there must be a showing that any other utility location is extremely difficult and unreasonably costly to the utility consumer, that the installation on the right-of-way of the interstate highway will not adversely affect the design, construction, stability, traffic safety, or operation of the interstate highway and that the utility can be serviced without access from through traffic roadbeds, loops, or ramps.

Subp. 5. **Deposit, bond, or undertaking.** The commissioner of transportation may require the utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking in favor of the state of Minnesota, commissioner of transportation, for any expense incurred by the state in the repairing of damage to any portion of the trunk highway right-of-way caused by work performed under a work permit or a permit for construction, including any out of the ordinary engineering supervision and inspection expense provided by the state. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the special provisions of the permit. If a check is furnished, any moneys remaining over and above such expense shall be returned to the applicant.

Subp. 6. **Liability.** Except for the negligent acts of the state, its agents, and employees, the utility shall assume all liability for, and save the state, its agents and employees, harmless from, any and all claims for damages, actions, or causes of action arising out of the work to be done herein and the continuing uses by the utility, including but not limited to the placing, constructing, reconstructing, maintaining, and using of said utility under this application and permit for construction.

Subp. 7. **No easement.** The work permit or permit for construction as issued does not in any way imply an easement on private property.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

8810.3400 STANDARDS FOR WORK CONDUCTED UNDER PERMIT.

Subpart 1. **Trees, brush, and vegetation.** At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the district engineer or an authorized representative for the cutting and trimming of trees within the trunk highway right-of-way. Wherever trees are cut the resulting stumps shall be removed unless otherwise provided in the special provisions of the permit for construction. Any holes caused by stump removal shall be backfilled, the area leveled, and all materials associated therewith disposed of outside the trunk highway right-of-way. The utility shall advise the district engineer or an authorized representative at least 48 hours in advance of its intent to start clearing and grubbing operations so that proper supervision can be provided.

Burning or disking operations and/or the use of chemicals to control or kill trees, brush, and other vegetation is prohibited without prior approval from the assistant district engineer, maintenance.

Subp. 2. **Waterways.** All waterways and lines of drainage shall remain operative.

Subp. 3. **Topsoil and sod.** Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.

Subp. 4. **Existing utility facilities.** The utility facility and installation shall not interfere with any existing utility facilities on the trunk highway right-of-way.

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Subp. 5. **Warning devices.** When necessary, barricades, warning devices, and flaggers shall be provided by the utility during all phases of their construction and maintenance operations on the trunk highway right-of-way.

Subp. 6. **Restoration to original condition.** Upon completion of an installation, the utility shall restore the trunk highway right-of-way to its original condition. The utility shall then notify the office of the assistant district engineer, maintenance, or project engineer of the completion of the work so that inspection can be made to determine its acceptability.

Subp. 7. **Conformity.** The installations shall be made in conformity with all applicable laws, rules, and codes covering said installations. All installations shall be made in conformity with rules of governmental agencies for the protection of the public.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

8810.3500 AERIAL LINES.

There shall be only a single pole line on the trunk highway right-of-way on either side of the center line thereof, unless otherwise authorized in the special provisions of the permit for construction.

Longitudinal installations on noninterstate trunk highways shall normally be located in the outer five feet of the right-of-way. At crossings of the noninterstate trunk highway, poles shall be placed at a minimum of 30 feet from the shoulder lines of the through roadbeds unless right-of-way widths are prohibitive to such location.

Unless clearly indicated on the permit for construction sketch, the location of all brace poles, anchors, and anchor poles within the limits of the trunk highway right-of-way shall be approved by the district engineer or an authorized representative prior to actual installation.

In those instances in which a utility is issued a permit or permits for construction on both sides of the trunk highway right-of-way in a given area, such permit is conditioned upon the utility subsequently providing joint use to other utilities upon reasonable terms mutually agreeable to the utilities.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

8810.3600 UNDERGROUND LINES.

All crossings of the roadbeds of the trunk highways shall be made by boring inside a casing or carrier pipe, or by jacking, unless this procedure is modified in the special provisions of the permit for construction. The auger shall not lead the casing or carrier pipe by more than one inch. Open trenching shall be restricted to the area from five feet beyond the shoulder to the right-of-way line except as modified in the special provisions of the permit for construction.

When pipes with bells or flanges are installed, the crossings of the roadbeds of trunk highway shall be made by boring inside a conduit, as provided in the preceding paragraph, or jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.

All voids caused by jacking or boring shall be filled by pressure grouting. The grout material shall consist of a sand-cement slurry of at least two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.

The underground utilities shall be so installed as virtually to preclude any necessity for disturbing the roadbeds to perform maintenance operations.

Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen trees.

Statutory Authority: *MS s 161.45*

DRIVEWAYS

8810.4100 DEFINITIONS OF DISTRICT AND STREET CLASSIFICATIONS.

Subpart 1. **Scope.** In the absence of an established classification by local authorities, the definitions in subparts 2 to 5 shall govern.

Subp. 2. **Major street.** "Major street" means any road that has an average annual daily traffic volume of 1,500 vehicles or greater.

Subp. 3. **Minor street.** "Minor street" means any road that has an average annual daily traffic volume less than 1,500 vehicles.

Subp. 4. **Rural district.** "Rural district" means all other locations not meeting the urban district definition.

Subp. 5. **Urban district.** "Urban district" means those properties contiguous to the trunk highway system of the state of Minnesota, including any street, that are built up with structures devoted to business, industry, or dwelling houses where such structures are situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more.

Statutory Authority: *MS s 160.18*

8810.4200 [Repealed, L 2003 1Sp19 art 2 s 79]

8810.4300 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.4100 to 8810.5600 is to establish certain optimum design specifications for driveways providing a means of ingress to and egress from private property located along and adjacent to the right-of-way of the trunk highway system of the state of Minnesota.

Subp. 2. **Scope.** The scope of parts 8810.4100 to 8810.5600 is confined within the framework of and intended to be consistent with Minnesota Statutes 1965, section 160.18, subdivision 3.

Statutory Authority: *MS s 160.18*

8810.4400 DRIVEWAY PERMITS.

Authorization to construct or alter a driveway shall consist of a permit duly signed by the district engineer of the Minnesota Department of Transportation having responsibility for the maintenance and construction of the trunk highway in question. No driveway shall be constructed from or to a trunk highway until such permit has been obtained and supplemented by those permits that may be required by local governing authorities.

The commissioner of transportation may require the applicant, or their contractor, to furnish a deposit in the form of a cashier's check, certified check, a surety bond on corporate undertaking, in favor of the state of Minnesota, commissioner of transportation for any expense incurred by the state in the repairing of damage to any portion of the trunk highway right-of-way caused by work performed under a work permit or a permit for construction, including any out of the ordinary engineering supervision and inspection expense provided by the state. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the special provisions of the permit. If a check is furnished, any moneys remaining over and above such expense shall be returned to the applicant.

Statutory Authority: *MS s 160.18*

8810.4500 [Repealed, L 2003 1SP19 art 2 s 79]

8810.4600 [Repealed, L 2003 1Sp19 art 2 s 79]

8810.4700 [Repealed, L 2003 1Sp19 art 2 s 79]

8810.4800 [Repealed, L 2003 1Sp19 art 2 s 79]

8810.4900 [Repealed, L 2003 1Sp19 art 2 s 79]

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8810.5000 [Repealed, L 2003 1Sp19 art 2 s 79]**8810.5100** [Repealed, L 2003 1Sp19 art 2 s 79]**8810.5200 CHANGES IN USE.**

In the event of a change in land use or major change in the traffic pattern of the existing facility, existing driveways are not automatically perpetuated and new driveway access applications shall be submitted.

Statutory Authority: *MS s 160.18*

8810.5300 REVOKING ACCESS.

If the terms of the permit are violated, or if the commissioner of transportation determines that continuance of a driveway access is particularly hazardous, the commissioner may under the authority vested by law revoke the access.

Statutory Authority: *MS s 160.18*

History: *17 SR 1279*

8810.5400 PROHIBITED USES.

No part of the right-of-way of a trunk highway or of a street over which a trunk highway is routed may be used for servicing of vehicles or the conduct of private business.

Statutory Authority: *MS s 160.18*

8810.5500 [Repealed, L 2003 1Sp19 art 2 s 79]**8810.5600 VARIANCES.**

A variance from the standards set forth in parts 8810.4100 to 8810.5500 may be allowed by the commissioner when the variance will facilitate the safe, efficient use of the property for a lawful purpose and will not interfere with the construction, maintenance, or safe and efficient use of the highway and its appurtenances by the public.

Statutory Authority: *MS s 160.18*

BICYCLE, PEDESTRIAN, AND RECREATIONAL VEHICLE USE**8810.6000 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of these rules and the implementation thereof, the following terms shall have the meanings here given them.

Subp. 2. **Average bicycle traffic volume.** "Average bicycle traffic volume" means the amount of bicycle traffic passing a given point on an average daily basis computed over 180 days during the months of April through September.

Subp. 3. **Average daily traffic.** "Average daily traffic" means the total volume of traffic during a specified but arbitrary time period given in whole days (24 hours), greater than one day, but less than one year, divided by the number of days in the time period; abbreviated ADT.

Subp. 4. **Bicycle.** "Bicycle" means a device propelled by human power upon which a person or persons may ride, having two tandem wheels either of which is over 16 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subp. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway designed for preferential use by persons using bicycles. Bicycle lanes may be designed with or without physical barriers to separate or channel bicycle traffic from motor vehicles or pedestrian traffic.

Subp. 6. **Bicycle lane with barrier.** "Bicycle lane with barrier" means a portion of a roadway which has been designated for preferential or exclusive use by bicycles, separated from but a part of that portion of the roadway designed for motor vehicle traffic by a physical barrier such as a curb or a guardrail.

Subp. 7. **Bicycle lane without barrier.** "Bicycle lane without barrier" means a portion of a roadway which has been designated for preferential use by bicycles through pavement markings or other traffic control measures.

Subp. 8. **Bicycle path.** "Bicycle path" means a bicycle facility designed for exclusive use by persons using bicycles and constructed or developed separately from the roadway.

Subp. 9. **Bicycle route.** "Bicycle route" means a roadway signed to encourage bicycle use when no preferential lane is provided. Signing shall be in accordance with the Minnesota Manual of Uniform Traffic Control Devices. Such signing also indicates that safety precautions must be taken by all forms of traffic.

Subp. 10. **Clearway.** "Clearway" is a clear recovery area extending 30 feet outward from the edge of the outside through lane of the roadway where all physical obstacles to out-of-control motor vehicles are eliminated.

Subp. 11. **Controlled access highway.** "Controlled access highway" means every highway, street, or roadway in respect to which the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Subp. 12. **Department.** Unless stated otherwise, "department" means the Department of Transportation of this state. Regardless of the department referred to, however, it is to be considered as acting directly or through its duly authorized officers and agents.

Subp. 13. **Driver.** "Driver" means every person who drives or is in actual physical control of a vehicle, or other device upon which a person or property may be transported.

Subp. 14. **Intersection.** "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Subp. 15. **One-way roadway.** "One-way roadway" means a street or roadway designated and signposted for one-way traffic and on which all vehicles are required to move in one indicated direction.

Subp. 16. **Pedestrian walkway; sidewalk.** "Pedestrian walkway" means that portion of the street or highway between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. An alternate term that may be used is "sidewalk," as defined in Minnesota Statutes, chapter 169. For purposes of these rules a pedestrian walkway may be construed to be a bicycle or recreational vehicle lane but is controlled as to the forms of traffic it may carry other than pedestrians.

Subp. 17. **Recreational vehicle.** "Recreational vehicle" means a special purpose mobile and motive equipment or device not qualifying under the provisions of Minnesota Statutes, chapter 168 for the purposes of taxation in the state of Minnesota, and includes but is not limited to all terrain vehicles (ATV) and snowmobiles.

Subp. 18. **Recreational vehicle lane.** "Recreational vehicle lane" means that portion of a street or highway or road or way outside of the roadway, improved, designed, or ordinarily used for recreational vehicular travel by the public and placed and maintained by state or local authorities in their respective jurisdictions.

Subp. 19. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for motor vehicular travel. In the event a highway includes two or more

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separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subp. 20. **Rural section.** "Rural section" is a highway design that has wide rights-of-way, open ditches for drainage, and a clearway of 30 feet from the edge of the outside lane.

Subp. 21. **Shoulder.** "Shoulder" means that part of the roadway which is contiguous to the regularly traveled portion of the roadway and is on the same level as the roadway. The shoulder may be pavement, gravel, or earth.

Subp. 22. **Sidewalk.** "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Subp. 23. **Street or highway.** "Street or highway" means the entire width between the boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subp. 24. **Through highway.** "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected.

Subp. 25. **Urban district.** "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Subp. 26. **Urban section.** "Urban section" means a roadway design used in urban districts where the right-of-way width is restricted. Because of the restricted right-of-way, there is not enough room for ditches, thus necessitating curbs and gutters.

Subp. 27. **Vehicle.** "Vehicle" means a bicycle or recreational vehicle.

Statutory Authority: *MS s 160.262*

8810.6100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.6000 to 8810.7000 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes, section 160.262, as amended by Laws of Minnesota 1973, chapter 620, section 1, with reference to the establishment of model standards for bicycle and recreational vehicle lanes on and along proposed and existing public roadways and governing state trunk highways.

Subp. 2. **Scope.** The scope of parts 8810.6000 to 8810.7000 is intended to be confined within the framework of and consistent with Minnesota Statutes, section 160.262, and responsive to United States Code, title 23, section 217, as amended by Public Law numbers 93 to 410, the Federal Aid Highway Act of 1973 (bicycle transportation and pedestrian walkways).

Statutory Authority: *MS s 160.262*

BICYCLE AND RECREATIONAL VEHICLE LANES**8810.6300 CRITERIA FOR DESIRABILITY OF LANES.**

Subpart 1. **Design and construction.** The Department of Transportation will have sole jurisdiction to establish bicycle or recreational vehicle lanes on the right-of-way of any state trunk highway. The Department of Transportation will be responsible for all designs and construction on all lane facility projects within the right-of-way of any state trunk highway. Any such services performed for other state agencies or local governmental units will be done on a reimbursable basis. The Department of Transportation may provide services for the development of lane facilities for other agencies and local units of government upon request and upon such terms as may be mutually agreed upon. The Department of Transportation will consider building bicycle or recreational vehicle lane facilities during the

construction, reconstruction, or improvement of any trunk highway or permit the establishment of such facilities within state trunk highway right-of-way when:

A. a proposed highway project destroys an existing lane of demonstrated or potential use and no desirable alternative is available to the user; or

B. there is no pedestrian or nonmotorized access along or across an existing or proposed grade separated or through trunk highway or intersection in an urban area (example: access to the four quadrants created by two intersecting freeways); or

C. there are fringe development areas not meeting the urban district definition along trunk highways that have no nonmotorized access (example: residential or commercial development along trunk highways on the outskirts of town); or

D. the facility is part of a comprehensive trail planning process on a local, regional, or statewide basis, and the facility must materially benefit the safety of the traveling public; such as, the elimination of a potential safety hazard caused by anticipated bicycle or recreational vehicle traffic on or near the roadways of a trunk highway (example: heavy bicycle travel along a trunk highway between a town and an outlying school);

E. the highway right-of-way can safely accommodate the facility;

F. there is sufficient projected bicycle or recreational vehicle traffic;

G. the facility cannot be safely and feasibly constructed and utilized outside of the right-of-way (example: no suitable network of adjacent residential streets or existing parallel facilities exist);

H. the facility use does not conflict with existing utilities located on highway right-of-way or adjacent land use;

I. the facility provides commuter transportation; or connects existing or proposed facilities; or connects areas or points of natural, scientific, cultural, historical, educational, or economic interest;

J. multiuse facilities do not conflict with each other or use during more than one season is feasible.

Subp. 2. **Traffic volume criteria.** Based upon part 8810.9910, the department will consider the establishment of bicycle or recreational vehicle lanes by use and type in accordance with the traffic volumes and other limitations shown. Exceptions to these traffic volume criteria may be made if good cause can be shown and upon approval of the commissioner of transportation.

As motor vehicle traffic volumes increase the form that a bicycle or recreational vehicle lane may take and traffic control measures (or other physical safety precautions built into the facility) will also increase in physical design and safety standards.

Subp. 3. **Bicycle traffic.** The provisions of Minnesota Statutes, section 169.222 shall apply for all persons driving or operating a bicycle upon a roadway. The provisions of Minnesota Statutes, sections 169.09 to 169.13 shall also apply in substance and effect insofar as applicable and consistent with reference to bicycle lanes on trunk highways.

Subp. 4. **Bicycle recreational vehicle traffic.** The provisions of Minnesota Statutes, sections 169.09 to 169.13 shall also apply in substance and effect insofar as applicable and consistent with reference to drivers or operators of bicycle or recreational vehicles on controlled access trunk highways. Minnesota Statutes, sections 169.13 and 169.18 shall also apply.

Statutory Authority: *MS s 160.262*

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8810.6400 MAINTENANCE CRITERIA.

The responsibility for maintaining bicycle and recreational vehicle lanes within the limits of trunk highway rights-of-way shall be the responsibility of the department of transportation when the facility is located immediately adjacent to the roadway (highway shoulder); or the responsibility of the appropriate local or other governmental unit when the facility is separate from the roadway.

Normal maintenance activities shall be provided for the maintenance of lanes established within trunk highway rights-of-way. These activities shall include, when applicable, but not be limited to: maintenance of drainage; debris removal; sweeping of lane surfaces; mowing and brush removal; surface maintenance; surface grading; snowplowing, when applicable; painting of stripes and stencils.

Statutory Authority: *MS s 160.262*

8810.6500 PLACEMENT OF BICYCLE OR RECREATIONAL VEHICLE LANES.

Bicycle or recreational vehicle lanes built subsequent to the date of adoption of these rules will be placed outside of a 30-foot (9.1 meters) clearway when located within the right-of-way of any state trunk highway with fully controlled access. Exceptions may be made at structure locations including but not limited to bridges.

Bicycle facilities built within the right-of-way of any state trunk highway shall be classified as a route; lane, no barrier; lane with barrier or path as defined in part 8810.6000, subparts 5 to 8. Desirable configurations are indicated in: part 8810.9911 for lane, no barrier; part 8810.9912 for lane with barrier; and part 8810.9913 for path (design for new facilities).

Statutory Authority: *MS s 160.262*

8810.6600 MINIMUM DESIGN STANDARDS.

Subpart 1. **Minimum criteria.** The following standards are minimum criteria which may not be reduced to lesser values and constitute the lowest design limits. The values are not to be used as general design standards, but should generally be exceeded.

Subp. 2. **Vertical clearance.** The vertical clearance between an overhead obstruction and the surface of bicycle or recreational vehicle lanes shall be not less than ten feet (three meters).

Subp. 3. **Lane width.** Bicycle facilities shall have a minimum surfaced width of four feet (1.2 meters) for one-way and six feet (1.8 meters) for two-way travel.

Subp. 4. **Design speed.** The design speed for bicycle facilities shall not be less than ten mph. For downgrades, design speeds may be in the range of 25 mph or greater.

Subp. 5. **Sight distance.** The sight distance to any hazard or potential hazard for a bicycle facility shall be a minimum of 50 feet (15.2 meters).

Subp. 6. **Grades.** Bikeway grades should not exceed five percent except for short distances.

Subp. 7. **Radius of curvature.** The minimum radius of curvature for bikeways is figured by the formula: $R = 1.25 V + 1.5$

R = radius of curvature in feet

V = velocity in miles per hour.

Statutory Authority: *MS s 160.262*

8810.6700 BICYCLE OR RECREATIONAL VEHICLE ON HIGHWAY.

No provision within these rules shall be deemed to be in conflict with the provisions of Minnesota law with respect to the operations on trunk highway right-of-way of any form of bicycle or recreational vehicle now or hereafter defined. Particular reference is made to Minnesota Statutes, sections 84.81 to 84.87 in this regard.

Statutory Authority: *MS s 160.262*

8810.6800 PUBLIC USE OF TRUNK HIGHWAYS.

No prohibition is intended or implied within these rules as to the rights of the public to use, occupy, traverse, or travel the trunk highways of the state of Minnesota except where such prohibition is established by law or other promulgated rule not a part of these rules.

Statutory Authority: *MS s 160.262*

8810.6900 PRIVATE ROADWAYS.

Nothing in these rules shall be construed to prevent the owner of real property used by the public for purposes of bicycle or recreational vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in these rules, or otherwise regulating such use as may seem best to such owner.

Statutory Authority: *MS s 160.262*

8810.7000 GRADE RAILROAD CROSSINGS.

In the event a proposed bicycle or recreational vehicle lane intersects at grade the right-of-way and tracks of a railroad, the approval of the Minnesota Transportation Department with respect to the public safety aspects of the crossing shall be first secured.

Statutory Authority: *MS s 160.262*

BRIDGE CONSTRUCTION AND RECONSTRUCTION

8810.8000 DEFINITIONS.

Subpart 1. **Abandonment.** "Abandonment" means the abandoning of an existing bridge.

Subp. 1a. **Agency.** "Agency" means a county, municipality, or township.

Subp. 2. **Bridge.** "Bridge" is defined as a structure including supports erected over a depression or an obstruction such as water, highway, or railway, having a track or passage-way for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. Illustrations of measurements are shown as Figures 1 to 4. This definition of a bridge includes, for application of parts 8810.8000 to 8810.8500, only those railroad bridges over or under a public highway or street.

FIGURE 1: MEASUREMENT OF BRIDGE BETWEEN UNDERCOPINGS

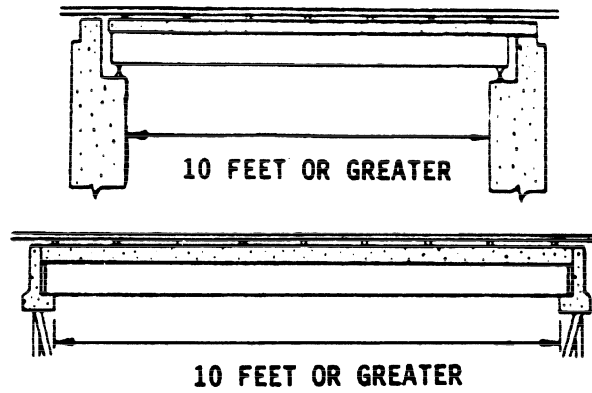


FIGURE 2: MEASUREMENT OF STRUCTURE BETWEEN SPRING LINES

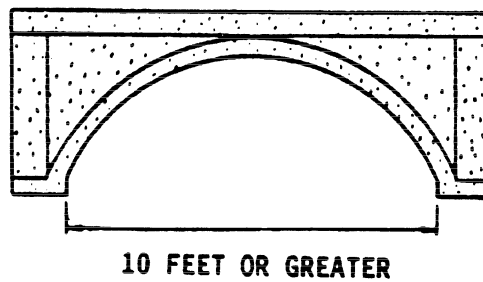


FIGURE 3: MEASUREMENT OF BOX CULVERTS

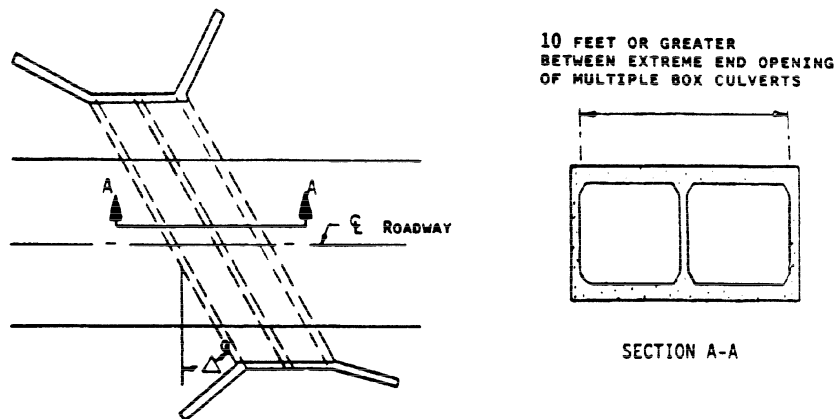
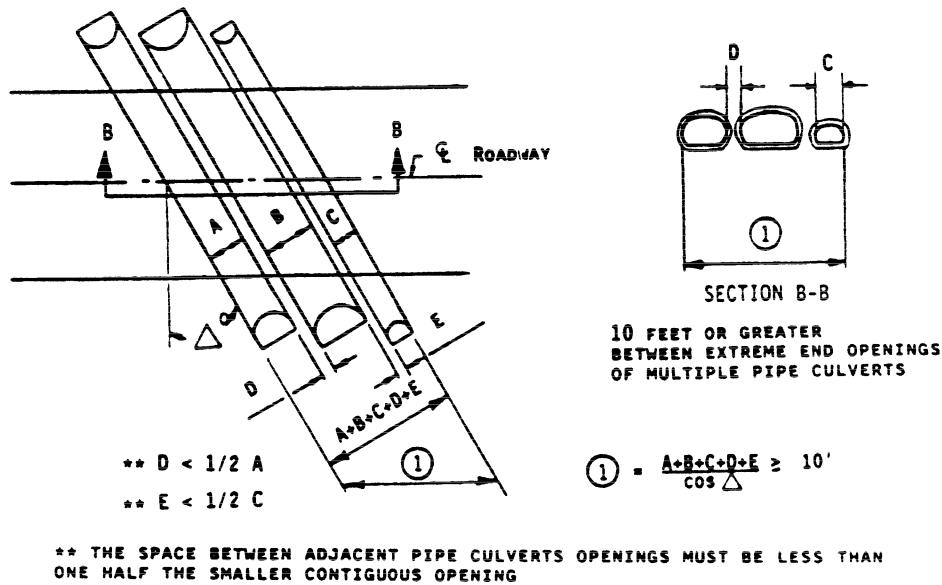


FIGURE 4: MEASUREMENT OF MULTIPLE CULVERTS



Subp. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 4. **Construction.** "Construction" means the construction of a road, street, or bridge to replace an existing deficient bridge or a bridge that has been destroyed.

Subp. 5. **Metropolitan council.** "Metropolitan council" means a commission established in accordance with Minnesota Statutes, chapter 473.

Subp. 6. **Reconstruction.** "Reconstruction" means the reconstruction of an existing deficient bridge.

Subp. 7. **Regional development commission.** "Regional development commission" means a commission established by the state planning officer in accordance with Minnesota Statutes, chapter 462.

Subp. 8. **Road systems defined.** "Other roads or streets" means those local roads and streets, not on the state-aid system, under the jurisdiction of the counties, municipalities, and townships.

"State-aid" means the system of roads and streets established and designated by the commissioner under the jurisdiction of a county or urban municipality.

"Trunk highway" means the system of routes established by law, the location of which has been established by the commissioner under the jurisdiction of the state of Minnesota.

Subp. 9. **Urban municipality.** "Urban municipality" means any city having 5,000 or more population determined in accordance with the provisions of law.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.8000 to 8810.8500 is to carry out the mandate of the legislature and to implement that mandate as set forth in Minnesota Statutes, section 174.50.

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Subp. 2. **Scope.** The scope of parts 8810.8000 to 8810.8500 is intended to be confined within the framework of and consistent with Minnesota Statutes, section 174.50.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8110 ELIGIBILITY; RESTRICTION.

For purposes of eligibility for funding under parts 8810.8000 to 8810.8500, some restrictions apply as follows:

A. Railroad bridges are eligible only if they are under the jurisdiction of a local unit of government. The replacement of a private bridge owned by a railroad company is not eligible.

B. A bridge to be constructed where no previous bridge exists is not eligible.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8200 CONSTRUCTION, RECONSTRUCTION GRANT APPLICATION.

Subpart 1. **Counties.** The county board in cooperation with other local units of government within the county, other than urban municipalities, shall determine a proposed program for the construction or reconstruction of key bridges within the county other than urban municipal or trunk highway bridges.

This county board by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge within the county and request funding.

When local units of government cannot reach agreement with the county board, the local units of government may apply independently. Then the local unit of government by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge and request funding.

Subp. 2. **Urban municipalities.** The city council by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge within the municipality and request funding.

Subp. 3. **State highway system.** The commissioner shall establish the bridge construction and/or reconstruction program for the trunk highway system.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8300 REGIONAL COMMISSION, METROPOLITAN COUNCIL REVIEW.

The commissioner shall submit the application of the agencies to the proper regional development commission or metropolitan council, as the case may be, for review of consistency with long-term comprehensive development plans and guides for which the agencies are responsible.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8400 ESTABLISHMENT OF PRIORITIES.

The commissioner, using information furnished by the local units of governments from the statewide bridge inventory, shall establish a statewide priority of bridge construction or reconstruction.

This priority must be based on the relative seriousness of each bridge's deficiencies as determined from the inventory and appraisal after considering the following criteria established in Minnesota Statutes, section 174.50, subdivision 6:

A. effectiveness of the project in eliminating a deficiency in the transportation system;

- B. number of persons affected by the deficiency;
- C. economic feasibility;
- D. effect on optimum land use and other concerns of state and regional planning;
- E. availability of other financing capability; and
- F. adequacy of provision for proper operation and maintenance after construction.

When the required documentation has been completed, construction plans are complete, and priorities have been established, the commissioner shall notify the local units of government, as to funding availability from the Minnesota state transportation fund or federal funds.

The local unit of government shall by resolution agree to the terms and conditions specified in the notification by the commissioner consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3).

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

8810.8500 BRIDGE AND ROADWAY SPECIFICATIONS.

The minimum geometric standards for bridge construction and roadway construction are as described in chapter 8820.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

BRIDGE INSPECTION AND INVENTORY

8810.9000 DEFINITIONS.

Subpart 1. **AASHTO manual.** The "AASHTO manual" referred to in these rules is the Manual for Maintenance Inspection of Bridges, published by the American Association of State Highway and Transportation Officials, 341 National Press Building, Washington, D.C. 20004.

Subp. 2. **Bridge.** "Bridge" is defined as a structure including supports erected over a depression or an obstruction such as water, highway, or railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. Illustrations of measurements are shown in part 8810.8000, subpart 2, figures 1 to 4. This definition of a bridge includes, for application of parts 8810.9000 to 8810.9700, only those railroad bridges over or under a public highway or street.

Subp. 3. **Bridge inspector's training manual.** The Bridge Inspector's Training Manual referred to in parts 8810.9000 to 8810.9700 is the training manual published by the Federal Highway Administration. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Subp. 4. **Inspection.** The term "inspection" means examining a structure, evaluating the physical condition observed, and reporting the observations and evaluations on the bridge inspection report form as adopted by the commissioner.

Subp. 5. **Inventory.** The term "inventory" as used herein shall mean the gathering and reporting of all information as provided for on the structure inventory sheet as adopted by the commissioner.

Subp. 6. **Posting.** The term "posting" shall mean the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

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Subp. 7. **Rating.** The term "rating" shall mean determining the safe live load carrying capacity of a bridge. The rating for a bridge shall be determined in accordance with procedures specified in the AASHTO Manual for Maintenance Inspection of Bridges except that Minnesota legal vehicles shall be used rather than AASHTO typical vehicles for highway bridges.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516*

8810.9100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.9000 to 8810.9700 is to carry out the mandate of the legislature and to implement that mandate as set forth in Minnesota Statutes, chapter 165, with reference to the inspection and inventory of bridges in the state of Minnesota.

Subp. 2. **Scope.** The scope of parts 8810.9000 to 8810.9700 is confined to and consistent with Minnesota Statutes, section 165.03.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516*

8810.9200 APPLICATION OF INSPECTION AND INVENTORY STANDARDS.

These bridge inspection and inventory standards apply to bridges that:

- A. lie within or cross the borders of the state of Minnesota and are located wholly or partially within or over the right-of-way of a state trunk highway;
- B. are located wholly or partially within or over the right-of-way of a county or town road;
- C. are located wholly or partially within or over the right-of-way of a street located within or along municipal limits;
- D. are toll bridges used by the general public; or
- E. are located on state, county, or home rule charter or statutory city lands and exist for the use of the general public.

Railroad bridges are excluded from parts 8810.9000 to 8810.9700 except for railroad bridges over or under a public highway or street.

Bridges on recreation trails used only by pedestrians, bicycles, and recreational vehicles are excluded from parts 8810.9000 to 8810.9700, except for those bridges over or under a public highway or street.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516*

8810.9300 RESPONSIBILITY AND QUALIFICATIONS.

Subpart 1. **Areas of responsibility.** The following officials have the responsibility for inspection and inventory of bridges:

- A. the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway and for toll bridges used by the general public;
- B. the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed; and
- C. the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

Subp. 2. **Qualifications.** The individual in charge of the bridge inspection and inventory for each organizational unit described in subpart 1 must be registered in Minnesota as a professional engineer.

The individual in charge of the inspection team must have one of the following qualifications: be registered in Minnesota as a professional engineer; have a minimum of five years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the Bridge Inspector's Training Manual developed by a joint federal-state task force; have current certification as a Level III or IV Bridge Safety Inspector under the National Society of Professional Engineer's program for National Certification in Engineering Technologies; or, be certified by the commissioner of transportation as a Bridge Safety Inspector.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516*

8810.9400 FREQUENCY OF INSPECTIONS AND INVENTORY.

Subpart 1. **Inspection.** Each bridge must be inspected annually, unless a longer interval not to exceed two years is authorized by the commissioner. The commissioner's authorization shall be based upon factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. Interim inspections at intervals of less than one year may be necessary on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined in part 8810.9300, subpart 1.

Subp. 2. **Inventory.** An inventory shall be prepared for each bridge and shall be updated annually.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516; 20 SR 2287*

8810.9500 INSPECTION REPORT AND RATINGS.

Subpart 1. **Inspection.** The items to be inspected and reported on the bridge inspection report form must include but not be limited to those items specified in the AASHTO manual. The Bridge Inspector's Training Manual must be used as a guide to additional items to be inspected for special cases.

Subp. 2. **Ratings.** Each structure required to be inspected under parts 8810.9000 to 8810.9700 must be rated to determine its safe load carrying capacity and the rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure. Ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the rating of a bridge must be indicated on the structure inventory sheet form.

Statutory Authority: *MS s 165.03*

History: *15 SR 1516*

8810.9600 POSTING LESSER LOADS.

Where it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs as adopted by the commissioner shall be used for the posting.

Statutory Authority: *MS s 165.03*

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8810.9700 UPDATING REPORTS.

Each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure inventory sheet form or submit an electronic update for each bridge under its jurisdiction to the commissioner by February 15, annually.

Statutory Authority: *MS s 165.03*

History: *20 SR 2287*

8810.9800 [Repealed, 15 SR 1516]

EXHIBITS, FIGURES, AND TABLES

8810.9910 TRAFFIC CRITERIA: BICYCLE, RECREATIONAL VEHICLE LANE.

Table 1: TRAFFIC CRITERIA TO ESTABLISH A BICYCLE OR RECREATION VEHICLE LANE

| CLASS OF FACILITY AND TRAFFIC LIMITS | | BICYCLE OR RECREATIONAL VEHICLE LANE USE | | | | | | PEDESTRIAN USE & RECREATIONAL VEHICLE USE | | | |
|--------------------------------------|---------------------------------------|--|-----------|----------------------|------------------------|----------|-------------------------|---|-----------------------------------|--|--|
| | | ROAD DESIGN LIMITATIONS | ROUTE (1) | LANE: NO BARRIER (1) | LANE: WITH BARRIER (2) | PATH (2) | ROAD DESIGN LIMITATIONS | SPECIAL WALKWAY | FACILITY FOR RECREATIONAL VEHICLE | | |
| TWO LANE | AVERAGE DAILY TRAFFIC VOLUME (A.D.T.) | (R) ≤ 2,000 | ≤ 2,000 | ≤ 3,000 | X | → 3,000 | (R) | N/A | N/A | | |
| | NO CONTROL OF ACCESS | (U) ≤ 4,000 | ≤ 4,000 | ≤ 6,000 | ≥ 6,000 | → 6,000 | (U) | N/A | N/A | | |
| MULTIPLE LANE | AVERAGE DAILY TRAFFIC VOLUME (A.D.T.) | (R) ≤ 100 | ≤ 200 | ≤ 200 | X | → 200 | (R) | X | O | | |
| | NO OR PARTIAL CONTROL OF ACCESS | (U) ≤ 100 | ≤ 200 | ≤ 200 | ≥ 200 | → 200 | (U) | O | X | | |
| NO OR PARTIAL CONTROL OF ACCESS | AVERAGE DAILY TRAFFIC VOLUME (A.D.T.) | (R) X | ≤ 14,000 | X | X | → 14,000 | (R) | N/A | N/A | | |
| | NO OR PARTIAL CONTROL OF ACCESS | (U) ≤ 8,000 | ≤ 20,000 | ≥ 20,000 | ≥ 20,000 | → 20,000 | (U) | N/A | N/A | | |
| MULTIPLE LANE | AVERAGE DAILY TRAFFIC VOLUME (A.D.T.) | (R) X | ≤ 200 | X | X | → 200 | (R) | X | O | | |
| | NO OR PARTIAL CONTROL OF ACCESS | (U) ≤ 100 | ≤ 200 | ≤ 200 | ≥ 200 | → 200 | (U) | O | X | | |
| FULLY CONTROLLED ACCESS | AVERAGE DAILY TRAFFIC VOLUME (A.D.T.) | (R) X | X | X | X | → 14,000 | (R) | N/A | N/A | | |
| | NO OR PARTIAL CONTROL OF ACCESS | (U) X | X | X | X | → 20,000 | (U) | N/A | N/A | | |
| X - NOT PERMITTED | | (R) | X | X | X | → 200 | (R) | X | O | | |
| O - NON CONFLICTING USE | | (U) | X | X | X | → 200 | (U) | O | X | | |

(1) Maximum ADT for Routes and Lanes no barrier.
 (2) Minimum ADT for establishment of Lanes with Barrier or Paths.

(R) Rural Section
 (U) Urban Section
 N/A Not Applicable

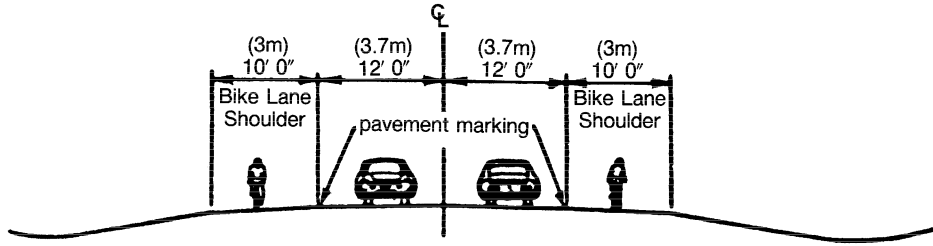
Statutory Authority: *MS s 160.262*

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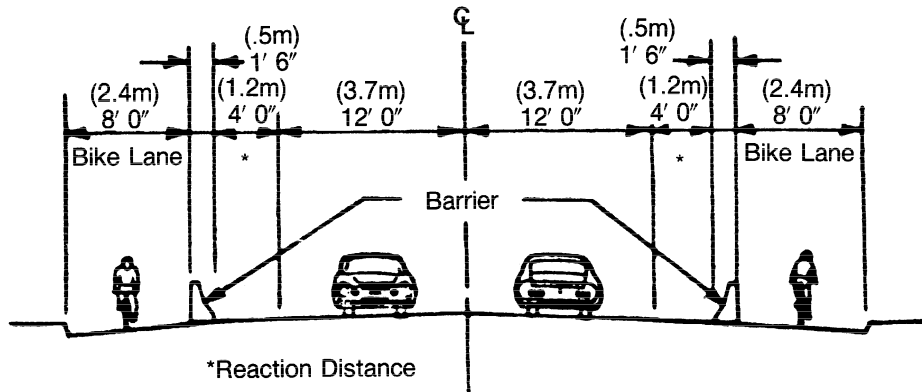
TRUNK HIGHWAY SYSTEM 8810.9921

8810.9911 BIKE LANE WITH NO BARRIER.



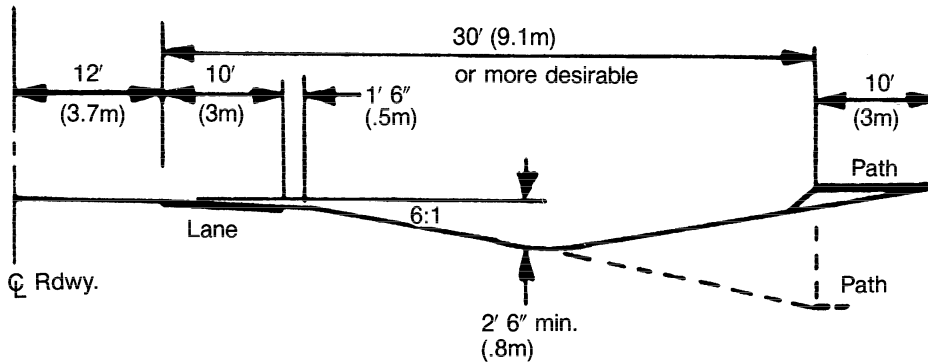
Statutory Authority: *MS s 160.262*

8810.9912 BIKE LANE WITH BARRIER.



Statutory Authority: *MS s 160.262*

8810.9913 DESIRABLE BIKE PATH DESIGN.



Statutory Authority: *MS s 160.262*

8810.9920 [Repealed, L 2003 1Sp19 art 2 s 79]

8810.9921 [Repealed, L 2003 1Sp19 art 2 s 79]