

**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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