

8830.0100 DEFINITIONS; INCORPORATIONS BY REFERENCE.

Subpart 1. [Repealed, 23 SR 524]

Subp. 1a. **Scope.** The terms used in parts 8830.0100 to 8830.9971 have the meanings given them in this part.

Subp. 2. [Repealed, 23 SR 524]

Subp. 3. [Repealed, 23 SR 524]

Subp. 4. [Renumbered subp. 26]

Subp. 5. [Renumbered subp. 27]

Subp. 6. [Repealed, 23 SR 524]

Subp. 7. [Repealed, 23 SR 524]

Subp. 8. [Renumbered subp. 67]

Subp. 9. [Renumbered subp. 16a]

Subp. 10. **AASHTO.** "AASHTO" means the American Association of State Highway and Transportation Officials.

Subp. 11. **AASHTO design manual; incorporation.** "AASHTO design manual" refers to "A Policy on Geometric Design of Highways and Streets," 1990 edition, published by AASHTO, 444 North Capitol Street N.W., Suite 225, Washington, D.C. 20001. This publication and future revisions of this publication are incorporated by reference. This publication is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 12. **Abandoned.** "Abandoned" has the meaning given it in Minnesota Statutes, section 222.63, subdivision 1, paragraph (a).

Subp. 13. **Acquire.** "Acquire" means to purchase a rail line with state funds provided for the state rail bank program.

Subp. 14. **Active warning device.** "Active warning device" means a device with alternating flashing red lights. The device may have additional features, including but not limited to a bell, cantilever arm, or movable gate arm.

Subp. 15. **ADT.** "ADT" means average daily traffic.

Subp. 16. **AREMA manual; incorporation.** "AREMA manual" means the "Manual for Railway Engineering," which is updated annually and published by the American Railway Engineering and Maintenance of Way Association, 8201 Corporate Drive, Suite 1125, Landover, MD 20785. This manual and future revisions of this manual are incorporated by reference. This manual is available to the public through the Minitex interlibrary loan system.

Subp. 16a. **AREMA signal manual; incorporation.** "AREMA signal manual" means the American Railway Engineering and Maintenance of Way Association, "Signal Manual of Recommended Practices," 1990 edition, published by the American Railway Engineering and Maintenance of Way Association, 8201 Corporate Drive, Suite 1125, Landover, MD 20785. This manual and future revisions of this manual are incorporated by reference. This manual is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 17. **Borrower.** "Borrower" means any "rail user" as that term is defined in Minnesota Statutes 1978, section 222.56 subdivision 7.

Subp. 18. **Capital improvement.** "Capital improvement" means the implementation of projects designed to improve rail service or reduce the economic impact of discontinuing rail service described in Minnesota Statutes, section 222.58, subdivision 2, paragraph (b), clause (2).

Subp. 19. **Collateral.** "Collateral" means the security pledged for the loan, which shall include land, buildings, machinery, equipment, furniture, fixtures, accounts receivable, marketable securities, cash surrender value of life insurance, assignment of leases or leasehold interests, and similar kinds of property and property interests.

Subp. 20. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 21. **Demonstration project.** "Demonstration project" means an experimental project to improve rail service that has general application within the state but is not traditionally associated with rail transportation.

Subp. 22. **Dispose.** "Dispose" means to convey property to a governmental subdivision of the state for any of the purposes in Minnesota Statutes, section 222.63, subdivision 4, or to sell the property as provided in Minnesota Statutes, section 222.63, subdivision 5.

Subp. 23. **Fair market value.** "Fair market value" means the value of property, materials, or labor as determined by the presently accepted value of like property, materials, or labor within the rail industry.

Subp. 24. **Farm crossing.** "Farm crossing" means a private crossing used for moving motor vehicles, farm machinery, or livestock in connection with agricultural pursuits, forestry, or other land-productive purposes.

Subp. 25. **Federal-Aid Policy Guide; incorporation.** "Federal-Aid Policy Guide" refers to the Federal-Aid Policy Guide or FAPG, 1991 edition, which is updated annually and published by the FHWA, 400 Seventh Street S.W., Washington, D.C. 20590. This publication and future revisions of this publication are incorporated by reference. This

publication is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 26. **FHWA.** "FHWA" means the Federal Highway Administration, an agency of the USDOT.

Subp. 27. **FRA.** "FRA" means the Federal Railroad Administration, an agency of the USDOT.

Subp. 28. **Going concern value.** "Going concern value" means the value of the rail line as an operating business entity.

Subp. 29. **Grade crossing.** "Grade crossing" means the at-grade intersection of one or more railroad tracks with a public way.

Subp. 30. **Grade separation.** "Grade separation" means the use of a bridge, trestle, tunnel, culvert, or other structure to enable one or more railroad tracks and a public way to cross at different elevations.

Subp. 31. **Grant.** "Grant" means funds not requiring repayment unless the property purchased or improved with these funds ceases to be used for rail transportation.

Subp. 32. **Guarantee.** "Guarantee" has the meaning given it in Minnesota Statutes, section 222.56, subdivision 3a.

Subp. 33. **Industrial crossing.** "Industrial crossing" means a private crossing used to provide access between industrial plant facilities or to an industrial or other commercial area.

Subp. 34. **In-kind participation.** "In-kind participation" means the fair market value of noncash contributions provided by a party to an agreement, and may include property and charges for labor or materials benefiting and specifically identifiable to a rail rehabilitation project.

Subp. 35. **Lender.** "Lender" shall have the meaning given it in Minnesota Statutes, section 222.56, subdivision 4.

Subp. 36. **Loan.** "Loan" means funds requiring repayment with or without interest under terms and conditions negotiated in a contract among the rail carrier, rail users, and Mn/DOT. However, for the purposes of parts 8830.6300 to 8830.6700, "loan" has the meaning given it in Minnesota Statutes, section 222.56, subdivision 5.

Subp. 37. **Local rail freight assistance program.** "Local rail freight assistance program" means a federal program created under the federal Railroad Revitalization and Regulatory Reform Act of 1976, found at United States Code, title 49, chapter 221, as amended, and implemented pursuant to Code of Federal Regulations, title 49, chapter 18, as amended.

Subp. 38. **MMUTCD; incorporation.** "MMUTCD" means the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways," published by the Minnesota Department of Transportation, Office of Traffic Engineering, according to Minnesota Statutes, section 169.06, subdivision 1. This manual and future revisions of this manual are incorporated by reference. This manual is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 39. **Mn/DOT.** "Mn/DOT" means the Minnesota Department of Transportation.

Subp. 40. **Moving vehicle sight triangle.** "Moving vehicle sight triangle" means a triangle that is formed when the three sides of the triangle consist of:

- A. the distance from the crossing along the track to the approaching train;
 - B. the distance from the crossing along the roadway to the approaching vehicle;
- and
- C. the distance between the train and the vehicle.

Subp. 41. **Net liquidation value.** "Net liquidation value" has the meaning given it in Code of Federal Regulations, title 49, section 1152.34, paragraph (c)(1)(iii), as amended.

Subp. 41a. **Other uses.** "Other uses" means any uses of rail bank property other than those specified in Minnesota Statutes, section 222.63, subdivisions 2 and 2b.

Subp. 42. **Preserve.** "Preserve" means to hold rail bank property during the period of time it is not being utilized for the purposes specified in Minnesota Statutes, section 222.63, subdivision 2b.

Subp. 43. **Private crossing.** "Private crossing" means the at-grade intersection of one or more railroad tracks with a private roadway.

Subp. 44. **Private roadway.** "Private roadway" means a roadway owned by a private or governmental entity that is open for use to only the owners and their invitees.

Subp. 45. **Public way.** "Public way" means a route used to go from one place to another that meets the following criteria:

- A. it has been improved for transportation use;
- B. it is under the jurisdiction of, and maintained by, a governmental entity; and
- C. it is open to the traveling public.

Subp. 46. **Rail carrier.** "Rail carrier" has the meaning given it in Minnesota Statutes, section 222.56, subdivision 8, and includes railroad companies operating a railroad.

Subp. 47. **Rail line.** "Rail line" has the meaning given it in Minnesota Statutes, section 222.48, subdivision 4.

Subp. 48. **Rail rehabilitation.** "Rail rehabilitation" means the rebuilding of a rail line or portions thereof and/or the implementation of other allied projects that will improve rail service.

Subp. 49. **Rail service.** "Rail service" has the meaning given it in Minnesota Statutes, section 222.48, subdivision 5.

Subp. 50. **State rail service improvement account.** "State rail service improvement account" means the special revenue account created in the state treasury by the act.

Subp. 51. **Rail service improvement program.** "Rail service improvement program" means the program created in Minnesota Statutes, section 222.50, subdivision 1.

Subp. 52. **Rail user.** "Rail user" has the meaning given it in Minnesota Statutes, section 222.48, subdivision 6.

Subp. 53. **Rail user and rail carrier loan guarantee program.** "Rail user and rail carrier loan guarantee program" means the program established by Minnesota Statutes, section 222.55.

Subp. 54. **Reflectorized.** "Reflectorized" means giving back light to convey the same information by day and night.

Subp. 55. **Regional Railroad Authority.** "Regional Railroad Authority" means a governmental entity established pursuant to Minnesota Statutes, chapter 398A.

Subp. 56. **Residential crossing.** "Residential crossing" means a private crossing used to provide vehicular access to a private residence or residences for occupants and their invitees.

Subp. 57. **Right-of-way.** "Right-of-way" has the meaning given it in Minnesota Statutes, section 222.63, subdivision 1, paragraph (b).

Subp. 58. **Road authority.** "Road authority" has the meaning given it in Minnesota Statutes, section 160.02, subdivision 25, as well as any other governmental agency having jurisdiction over roadways.

Subp. 59. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

Subp. 60. **Rural area.** "Rural area" means an area outside the boundaries of urban areas.

Subp. 61. **Standard Specification for Structural Supports for Highway Signs, Luminaires and Traffic Signals; incorporation.** "Standard Specification for Structural Supports for Highway Signs, Luminaires and Traffic Signals" is a manual published by AASHTO, 444 North Capitol Street N.W., Suite 225, Washington, D.C. 20001, 1985 edition. This publication and future revisions of this publication are incorporated by

reference. This publication is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 62. **State rail bank.** "State rail bank" has the meaning given it in Minnesota Statutes, section 222.63, subdivision 1, paragraph (c).

Subp. 63. **State rail bank program.** "State rail bank program" means the program established pursuant to Minnesota Statutes, section 222.63.

Subp. 64. **Stopped vehicle sight triangle.** "Stopped vehicle sight triangle" means a triangle that is formed when the three sides of the triangle consist of:

- A. the distance from the crossing along the track to the approaching train;
- B. the distance from the crossing along the roadway to a vehicle stopped for the crossing at a location where the stop bar should be, whether the stop bar is in place or not; and
- C. the distance between the train and the vehicle.

Subp. 65. **Surface Transportation Board.** "Surface Transportation Board" is an agency of the United States Department of Transportation.

Subp. 66. **Urban area.** "Urban area" means an area that meets one or more of the following criteria:

- A. it is a city with a population of 5,000 or more;
- B. it is within an urbanized area as defined by the Bureau of the Census, an agency of the United States Department of the Interior;
- C. it contains a business district as defined by Minnesota Statutes, section 169.011, subdivision 13; or
- D. it contains an urban district as defined by Minnesota Statutes, section 169.011, subdivision 90.

Subp. 67. **USDOT.** "USDOT" means the United States Department of Transportation.

Subp. 68. **USDOT-AAR crossing inventory.** "USDOT-AAR crossing inventory" means the national inventory of all grade crossings and private crossings, which is a database maintained, published, and updated by the Office of Safety of the FRA, 400 Seventh Street S.W., Washington, D.C. 20590.

Subp. 69. **Utilize.** "Utilize" means to use banked rail lines for the purposes cited in Minnesota Statutes, section 222.63, subdivision 2b.

Statutory Authority: *MS s 218.041; 218.071; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.61; 222.63*

History: *23 SR 524*

Published Electronically: *October 16, 2008*