

Chapter 4 Development and Permit Review

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4.0 Background and Approach

The guidance provided in this chapter is specific to the review of street and driveway access proposed in development plans or permit applications. Drainage, maintenance, right-of-way, noise, and other issues are touched on *only* as they relate to the location and design of access.

Ideally, MnDOT will have an opportunity to provide comments to the local governmental unit (LGU) while development plans are still at the concept stage so MnDOT's recommendations can be more easily incorporated into final plans. However, sometimes MnDOT's first opportunity to review an access proposal will occur when the permit application is submitted. At this late stage, the best options for providing access may no longer be available. Furthermore, even when review occurs early in the development process, the property owner and/or the LGU may choose not to apply MnDOT's recommendations, again leaving access to be addressed at the end of the process, when a permit is requested.

This chapter provides guidance for reviewing access in any of these situations to ensure that the guidelines and policies in Chapter 3 are applied consistently. Although this process is applicable to a variety of situations, in all cases, it relies on the key principles presented below.

Address Access Early

Every effort should be made to address access as early as possible, while the greatest number of options remain available. As development decisions are made, they may preclude the LGU or developer from later implementing the best access option for the site.

LGUs Are Partners in Access Management

Because they have the authority to develop the local street network, approve development plans, and require access-related improvements, the LGU plays a key role in determining where development occurs, how access is provided, and what highway improvements will be made.

Access Review Is an Iterative Process

While this guidance is written as though the review process were linear, access review is an iterative process. It will often be necessary to contact the LGU and/or property owner more than once and to consider more than one option for providing access to a particular property.

Prioritize Efforts

The level of effort given to a particular review should be commensurate with the safety and mobility impacts of the access. Access related to higher-volume development and access to high-volume arterials and Interregional Corridors should be given the greatest degree of analysis in search of the best alternative. The greatest scrutiny should be given to access that has the greatest potential to have an impact on highway safety and mobility. For this reason, low-volume access and access to lower-order roads generally receives a more routine evaluation.

Permit Conditions Must Be Legally Defensible and Enforceable

While the best access option will vary with each specific situation, all decisions must be based on MnDOT's legal authority to regulate access, constitutional protections of property rights, and the consistent application of guidelines. All conditions imposed by regulatory permit must also be enforceable. The LGU or applicant must have the reasonable ability to comply with all conditions of a permit.

4.0.1 The Access Review Process – Overview

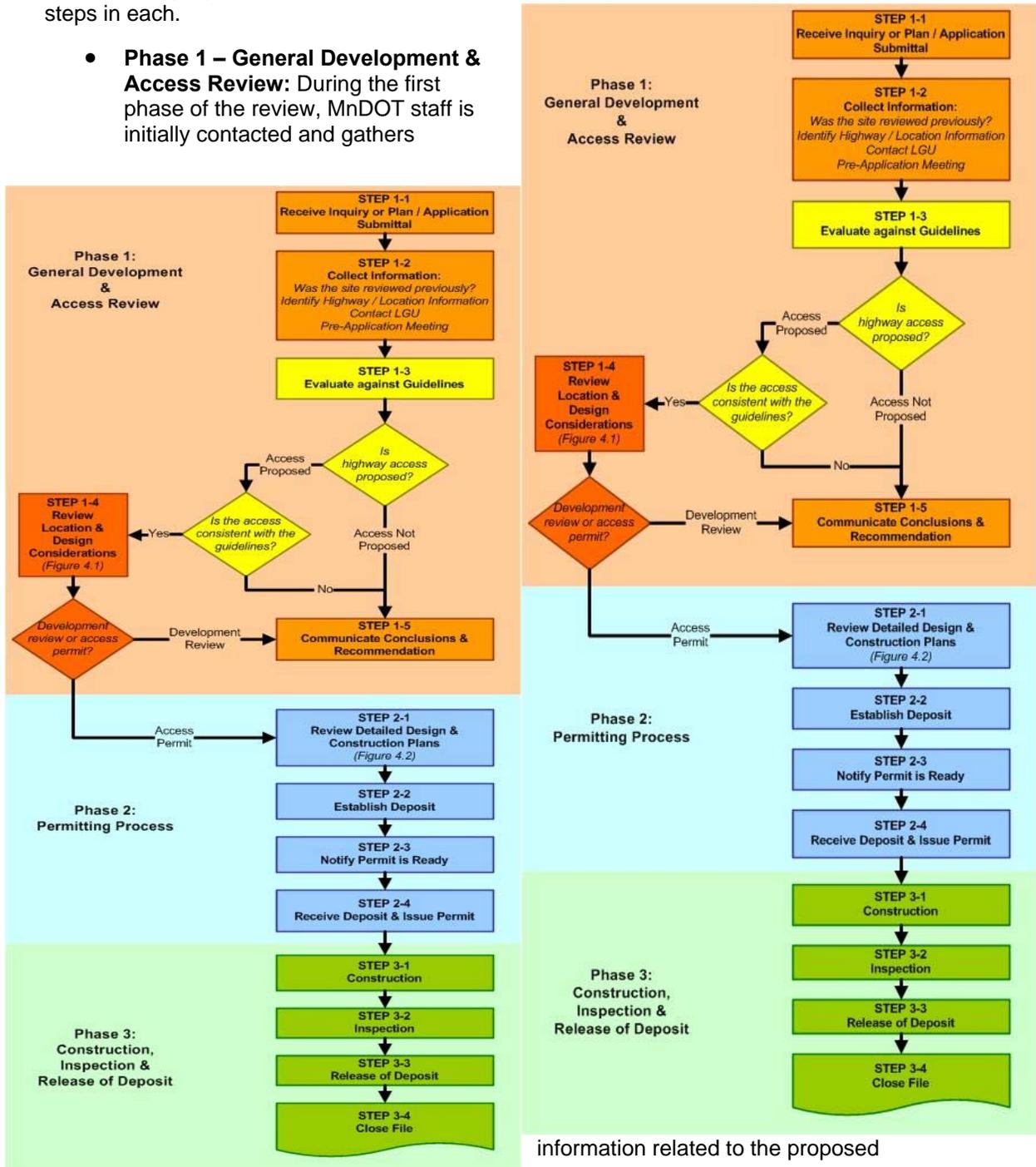
The access review process begins the same way, whether it involves a development plan or a permit application for a public street connection or private driveway. For development plans, the process ends with comments to the LGU. For permit applications, the process continues through the completion of the access.

Steps in the Access Review Process

The review process, shown in Figure 4.0, has three major phases, with a number of steps in each.

- Phase 1 – General Development & Access Review:** During the first phase of the review, MnDOT staff is initially contacted and gathers

Figure 4.0: Development & Permit Review Process



information related to the proposed

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development or access request. The development plan and/or access request is evaluated against the guidelines and considerations in Chapter 3, and MnDOT prepares recommendations.

When reviewing development plans, the review process ends when the official comments are submitted to the LGU.

- **Phase 2 – Permitting Process:** During the second phase, MnDOT determines the conditions specific to an access permit, establishes the amount for the deposit, and issues the permit.
- **Phase 3 – Construction, Inspection, and Release of Deposit:** During the last phase, the applicant constructs the access, MnDOT inspects it, and once it is approved as having been constructed in accordance with the conditions of the access permit, MnDOT returns the deposit and closes the file.

4.0.2 Key Contact Person

One MnDOT staff person should serve as the key contact for each review. This person ensures that all necessary information is collected and documented, LGU timelines are known and understood, all necessary parties are included in the review process, review comments are clear and consistent, and that all decisions are thoroughly documented.

Often the review itself can be conducted by this key contact in consultation with the LGU and other MnDOT staff, as needed. These guidelines walk the reviewer through all of the analysis necessary to develop a recommendation for most Type 1 or Type 2 low-volume driveways. This will also be true for many lower-volume Type 3 driveways.

In some cases, a higher level of review and additional recommendations from the District Traffic Engineer and other staff may be necessary. Typically, additional responses are sought when reviewing plans for new or modified public streets or when a Traffic Impact Study (TIS) is being prepared. (TISs should be reviewed using the process provided in Chapter 5.)

The use of a district access review committee and the inclusion of other staff in the review process vary by district. When needed, response may be sought from a broad range of MnDOT staff, either by routing the development plan or application to personnel within specific units using the Electronic Document Management System (EDMS) or by presenting the plan or application to a review committee.

In addition, extremely complex or controversial issues may be discussed with the Office of Transportation System Management (OTSM), Office of Traffic, Safety, and Technology (OTST), and the Office of Land Management (OLM).. Through this forum, the key contact can review comments from peers throughout the state.

Because of the extraordinary amount of staff time that goes into review committee meetings, these meetings should be reserved for access proposals that districts determine have significant impacts or where alternative access may be available. When review committees are used, the reviewer should bring as much background information as possible to the meeting in order to facilitate review.

4.0.3 Documentation

Complete and accurate documentation is essential for both practical and legal reasons. Documentation is necessary to ensure accuracy, provide essential information to all reviewers, track reviews over time, locate previous reviews, and to record decisions and the basis for them. Documentation should begin when an inquiry is made or when a development plan or permit application is received. A worksheet should be developed for every plan or permit received.

MnDOT has the authority to request a reasonable number of copies of printed plans and other documents for purposes of conducting the review. In addition, MnDOT should request, whenever feasible, that copies be submitted in electronic form because these can easily be stored, routed, and retrieved using EDMS. This can substantially decrease the time needed to conduct a review.

Documents and plans received by MnDOT for review are public record.

Work Management System (WMS)

- Permit applications, even if incomplete, should be entered into the Work Management System (WMS) upon receipt.

Electronic Document Management System (EDMS)

- Plans and applications should be filed using EDMS, which is the department standard for life-cycle management of MnDOT business records and routing;
- Development plans and requests for access permits involving public streets should be given a unique identifier (consistent with EDMS protocols or other District standards) and entered;
- In development plans and permit reviews, EDMS simplifies document management and routing by allowing directed, simultaneous routing to multiple reviewers;
- Using an electronic Access Management Worksheet or other comment forms allows complete documentation to take place as individuals enter their comments;
- Further information on EDMS is available at:
<http://ihub.dot.state.mn.us/itweb/edms/index.html>

Type of Documentation / Record Retention

Generally, four types of documentation should be retained for all development reviews and permit applications. These types include the following:

- Correspondences – Provides a record of the communication between applicant/proposer and MnDOT. Correspondences include the information submitted by the applicant/proposer or from the LGU, phone and email records, and written correspondences.
- Access Management Worksheets – Documents both the review/application process and reasons supporting MnDOT's decisions.
- Review/Recommendation Letter – Documents MnDOT's recommendations to the LGU. This is MnDOT's official response to a proposed development.
- Permits – Defines the location of the access, and the conditions and responsibilities of both the applicant/proposer and MnDOT related to the specific access point. This is MnDOT's official record of the access point.

4.1 Phase 1 – General Development and Access Review

4.1.1 Step 1-1 – Receive Inquiry or Plan/Application Submittal

Documentation of all plans and permit applications should begin upon their receipt.

For all plan reviews and permit applications, a review in the field or via video log should be conducted.

Whether submitted by the local governmental unit (LGU) or by an individual property owner and/or developer, the LGU should be notified that the plan or application has been received.

Development Plans

A development plan may include proposals for public street and/or driveway access and may be submitted to MnDOT for review at any point in the development process. Plans may be submitted by the LGU, property owner, or developer. With the exception of plats and environmental documents, there is no statutory requirement that development plans be provided to MnDOT (see note below).

- In addition to the information required under *Minnesota Statutes 505*, development review will be most effective if the following information is also provided:
 - The scale and type of other existing and proposed development in the area;
 - The location of nearby roads and driveways;
 - Significant topographical features, wetlands, and/or structures located on adjacent parcels; and,
 - The specific type and size of development proposed.

Note: Minnesota Statutes 505.03 regarding MnDOT's review of plats pertains to those plats that have lands abutting an existing or proposed highway which has been designated by a centerline order filed in the office of the county recorder (see Chapter 1).

Public Street Connection Permits

The location and design of any new or modified street connection on the state trunk highway must be reviewed by MnDOT for consistency with access management guidelines. Approval is granted in the form of a *Public Street Connection Permit* issued to the responsible road authority.

When is a permit needed?

A Public Street Connection Permit is required in order to perform the following work within MnDOT right-of-way:

- ***Construct a new intersection:*** When a new street connection is proposed, including state aid streets and intersections developed under a cooperative agreement;
- ***Modify an existing intersection:*** When the location or design of an existing street connection is to be changed, including the addition of turn lanes or through-lanes;
- ***Remove an existing intersection:*** When an existing street connection is removed; or,
- ***Convert a driveway or private street to a public street:*** When a private driveway or street changes jurisdiction, thereby becoming a public street.

Note: Maintenance projects and minor intersection modifications (e.g., resurfacing an existing street, widening a shoulder, or constructing a turn lane) do not need to be reviewed for consistency with access management guidelines. However, a permit should be issued to authorize work within MnDOT right-of-way.

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A new permit is required only when work is being proposed within MnDOT right-of-way. An increased traffic volume on an existing street caused by the intensification of the surrounding land use does not trigger the need for a new permit.

Who can apply for a permit?

A request for a Public Street Connection Permit must be submitted by the local road authority that will have responsibility for the connection.

- The local road authority must be a signatory on a *Public Street Connection Permit*:
 - A contractor, developer, or property owner may submit the application and/or provide the deposit as the designated agent for the local road authority; or,
 - The application may also be completed by MnDOT and issued as part of the approval of a cooperative agreement or state aid project on a trunk highway.

Note: If the road authority refuses to be a signatory on the permit, the “street” should be reviewed as a shared driveway. If approved, an Access Driveway Permit would be issued to the property owner or developer.

What information is needed?

The LGU or their designated agent should provide the following information to MnDOT:

- A completed *Public Street Connection Permit* form;
- The location of and traffic volumes at the next public or private access points in both directions;
- The location of other nearby roads;
- The general type and scale of land use that the roadway serves today and is anticipated to serve five years and twenty years into the future;
- Significant topographical features, wetlands, and drainage plans; and,
- The general intersection design, including anticipated highway improvements.

Note: Detailed drawings of the proposed connection’s design should not be required until the connection’s location and general design are established, as provided in Section 4.1.4.

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Driveway Permit Applications

A MnDOT *Access Driveway Permit* is required before a direct driveway connection to or from a state highway is constructed or modified. This includes driveways that serve agricultural land, single-family residences, and commercial, industrial, recreational, public, institutional, natural resource, or multiple-family residential uses, as well as privately-owned streets.

When is a permit needed?

A Driveway Permit is required in order to perform the following work within MnDOT right-of-way:

- **Construct a new driveway:** When a new driveway serving any land use is proposed, including any temporary driveway for use in construction, forestry, or other short-term purposes;
- **Modify an existing driveway:** When a change is proposed in an existing driveway's location or design, including changes to any temporary driveway;
- **Construct or modify a private (non-public) "street" intersection:** Any intersection where the local road authority is not a signatory on a *Public Street Permit* is a shared driveway and should be reviewed using the guidance in **Section 3.3**. However, because a private "street" may become a public street in the future, it is in the best interest of the LGU to seek a *Public Street Connection Permit* to ensure that the street is appropriately spaced and designed when constructed;
- **Change in use or a major change in traffic pattern:** Each permit is issued for a specific use, and a new permit is required **before** a change in use occurs. Usually, changes in traffic will occur only in conjunction with a change in use, although in some instances, a change in the operations could result in a change in traffic patterns.

While neither a change in use nor a major change in traffic is defined in *Minnesota Rules*, examples of changes likely to have impacts significant enough to require a new permit application include:

- Converting a field to a residence or a residence to a business;
- Changing a wholesale business to a retail business;
- Changing a sit-down restaurant to a fast-food restaurant;
- Adding a drive-through window to a bank, restaurant, or other business;
- Adding a car wash at a service station;
- Adding outdoor sales and/or storage of building supplies, recreational equipment, landscape materials, etc.;
- Adding a new building or significantly changing the gross floor area of an existing building, generally an increase of at least 25% or 1000 square feet, whichever is greater (*for example, a 2000-sq.ft. addition to a 10,000-sq.ft. structure would probably not be significant enough to require a new permit application, while, a 2000-sq.ft. addition to a 5,000-sq.ft. structure might be*); or,
- Reestablishing use of an access that has not been used for at least two years.

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When reviewing a change in land use or traffic, MnDOT determines whether:

- A new permit is required for the existing driveway to document the change in use;
- A new permit is required along with changes in driveway location and/or design;
- Direct trunk highway access will no longer be allowed because reasonably convenient and suitable alternative access from the local street network is now available or can be made readily available; or,
- Direct trunk highway access will no longer be allowed, access rights will be purchased, and the access closed.

Who can apply for a permit?

The application should be submitted by the property owner. Applications may be submitted by an agent, tenant, contractor, or developer only if they include written authorization from the property owner.

Note: Applications must be made using MnDOT's Access Driveway Permit Application. If an application is incomplete, MnDOT should request additional information. An application should not be denied because it is incomplete. If an applicant fails to respond to reasonable requests for additional information, this should be carefully documented and the file should be closed until needed information is provided.

What information is needed?

An *Application for Driveway Permit* form should be completed with information on:

- How to contact the property owner, the owner's agent, and, if applicable, the contractor who will perform work within state right-of-way;
- Whether the request is for a new driveway, a modified driveway, a change in use, or driveway removal;
- The specific use it will serve (antique store, full-service bank with drive-through window, etc.), the structure's size (square footage and number of bays, pumps, etc.) or number of residential units, and the number of parking spaces provided.

Note: A sketch of the property showing existing and proposed driveways, existing and/or proposed buildings or other structures, and any other adjacent roadways should also be provided.

The applicant may also be requested to submit electronic copies, if feasible, and/or multiple paper copies of scaled maps, plats, subdivisions, and site plans, and/or plans for grading and drainage that show:

- Contours, wetlands, hydraulic computations, and drainage plans and facilities on the property;
- Highway right-of-way and property lines;
- Parking and internal circulation plans, including the location of drive aisles, loading areas, and pedestrian walkways;
- Local streets and roads serving the area, adjacent land uses, and the location of driveways serving adjacent parcels; and,
- The location, size, and timing of phased development.

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Compliance with Minnesota Statute § 15.99

The statute requires MnDOT to approve or deny an access request within 60 days of receiving the completed *Application for Access Permit*. The time limit begins when the District receives an *Application for Access Permit* containing all the information identified above. Failure to deny an access request within 60 days is approval of the request. The application shall be time stamped by the District when it is received.

If the Application for Access Permit does not contain all the required information, the District has 15 business days to send written notice telling the permit applicant what information is missing. The 60-day limit begins when all the additional information is received by the District.

MnDOT may extend the 60-day limit, so long as it does so before the end of the initial 60-day period. MnDOT must provide written notice of the extension to the applicant, and the notification must state the reasons for the extension and its anticipate length, which may not exceed 60 days unless approved by the applicant.

4.1.2 Step 1-2 – Collect Information

Was the Site Reviewed Previously?

Because there may be many steps in the development process, a plan or application may be submitted to MnDOT for review in a variety of forms over time. These previous reviews may include previous recommendations and a wealth of other information.

Questions to Consider

The following questions should be considered in consultation with the LGU:

- **Was a development plan for this site reviewed previously?** If so, is the current proposal consistent with previous recommendations? Have there been significant changes in the highway or surrounding land use since then that might lead to a different recommendation today?
- **Is there an existing permit for the property?** A well-documented permit will explain the basis for previous decisions and the reasons for the conditions imposed. In addition, a driveway permit provides the basis for determining whether a change in use would occur.
- **Have other permits been issued in the area recently?** Permits issued for nearby development may have raised issues relevant to the current review or may have affected the availability of reasonably convenient and suitable access.
- **Do corridor plans or planned improvements have an impact on this location?** Public street connections generally should be consistent with adopted corridor plans. However, inconsistency with a corridor plan is *not* a reason to deny a driveway application where no alternative access exists. If the access request is not consistent with an approved corridor plan, this discrepancy should be discussed with the LGU.
- **Are there construction projects that would affect this location?** Construction projects may provide an opportunity to cooperatively develop alternative access or improve the operation of a proposed access.
- **Has a Traffic Impact Study or Intersection Control Evaluation been prepared previously?** The LGU may have required a Traffic Impact Study for the proposed development or access, or MnDOT may have requested an Intersection Control Evaluation.

Process Implications

When the current plan or permit was reviewed in an earlier form:

- **Expedited Review --** If the current plan or permit application is consistent with previous MnDOT recommendations **and** there have not been significant changes in the surrounding area, it may be possible to expedite review. The LGU should be consulted, and if the LGU does not raise new concerns, a brief review may be conducted to ensure that previous recommendations are still appropriate. If the previous recommendations remain appropriate, the review process can move directly to review of the location and design considerations in Section 4.1.4.
- **Complete Review --** If the site has not been reviewed recently, if major changes in traffic or land use have occurred, if the LGU has raised new concerns, or if additional access options have become available, the plan or permit request should go through the complete review process described in this chapter. Information and recommendations from previous reviews should be identified, and any recommendations that differ from those provided previously should be explained in the response to the applicant and/or LGU.

Identify Highway / Location Information

If the development plan or access request has not been reviewed previously, information about the plan or access request should be gathered. As identified on the Access Management Worksheet, the information needed for a thorough review includes the following:

- Highway Location Information:
 - Trunk Highway number;
 - Control Section;
 - Reference Point (milepost);
 - County;
 - Road Type (divided, undivided, number of lanes).
- Access Management Information:
 - Access Control;
 - Access Category – The access category, including the primary and subcategory assignment, is identified on the access management maps and spreadsheets available at <http://www.dot.state.mn.us/accessmanagement/category.html> (Further information on the assignment of access categories is provided in Chapter 2.)
 - Proposed Access Type (Type 1, 2, 3 or 4).
- Traffic Data Information:
 - Current AADT;
 - Future AADT.
- Affected Local Government Units.

Note: Additional information related to the LGU and the proposed development or access will be gathered through consultation with the LGU and through communicating with the developer and/or applicant.

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Contact LGU

Early and continuing consultation with the LGU is crucial to successful access management. Communication with the LGU should be on-going and should continue throughout the review process when reviewing complex development plans. Contacting the LGU ensures that:

- The LGU is aware of all development plans;
- MnDOT understands the local land use and development context surrounding the plan or application;
- Consideration is given to all options for providing alternative access;
- MnDOT and the LGU have an opportunity to coordinate their review; and,
- MnDOT recommendations are considered during local review when appropriate local requirements can be imposed.

The LGU should be asked the following questions as MnDOT begins the review process:

- ***Who is the land-use authority?*** A plan or permit application may affect more than one LGU. In addition, in rural townships, the land-use authority may be the county.
- ***Are there other LGUs or road authorities that should be consulted?*** All jurisdictions that could be affected by the plan or permit should be contacted.
- ***Is local review and approval required by the LGU?*** The local review process varies with the type of plan submitted (subdivision, zoning compliance permit, variance, etc.) and may affect the timeline in which MnDOT comments must be provided:
 - What is the local review process and timeline?
 - What design and approval requirements does the LGU have regarding this development?
 - When will meetings and hearings be held, and what is the deadline for MnDOT to submit comments?
- ***What is the context for this development?***
 - Is this an isolated project or part of a larger development/re-development effort?
 - What is located near the property now? What are the future plans for this area?
 - How does access to this development fit into the existing street network? How does it relate to access needs for future development?
 - How does the proposed development affect the trunk highway system?
 - How does the LGU plan to approach this proposal? What is the community reaction likely to be?
- ***Is additional analysis recommended?***
 - Should a Traffic Impact Study be prepared? (See Chapter 5.)
 - Will an Intersection Control Evaluation (ICE) be needed?

Note: Even when a plan is submitted to MnDOT by the LGU, the LGU should be contacted to address these questions.

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Pre-Application Meeting

Both the local governmental unit (LGU) and property owner benefit from communicating with MnDOT early in the development process. For this reason, LGU staff should be encouraged to contact MnDOT whenever they begin to consider plans for development near a trunk highway.

A pre-application meeting may be informal. The meeting may be conducted via telephone, discussion in the field, and/or in a formal setting:

- Before meeting with the LGU or a developer for in-depth discussion, MnDOT staff should identify the highway access category and review the guidelines in Chapter 3; and,
- For a larger or more complex development, MnDOT staff should consult internally on key issues and the meeting should include representation from all affected LGUs.

Note: This meeting may serve as an initial scoping meeting in the TIS process, as provided in Section 5.5.1.

A pre-application meeting should clarify whether proposed access will be in the form of a public street or driveway, and should identify the type and scale of development that the street and/or driveway will serve:

- **Public streets:** MnDOT should identify the general type and scale of development anticipated during the next 20 years; and,
- **Driveways:** MnDOT should seek to identify the specific type of use and the scale of any proposed development.

Note: Information on access types and trip generation is provided in Section 2.4.

Depending on the complexity of the plan or permit request, a pre-application meeting should also establish the framework for the review process by addressing the following:

- Existing and planned development on the site;
- MnDOT and LGU policies, processes, and timeframes;
- Applicable MnDOT guidelines and standards;
- The type of information the applicant should provide as part of the development plan or permit application; and,
- Access options, including options for alternative access.

A follow-up letter or email documenting the discussion serves as a reminder of specific concerns and issues while helping ensure consistency. The letter should document:

- The date the meeting was held;
- Who attended;
- A summary of applicable MnDOT standards and guidelines;
- A list of items and information that should be submitted to MnDOT for review;
- A summary of the process that will be followed;
- An outline of issues raised and their resolution or other options to consider; and,
- The next steps to be undertaken.

4.1.3 Step 1-3 – Evaluate against Guidelines

Once the information regarding the highway and the development or proposed access has been gathered, the proposal should be evaluated against the guidelines and considerations in Chapter 3.

Will Highway Access Be Allowed?

When trunk highway access is not proposed

If direct access to a trunk highway is not proposed, the reviewer should consult with the LGU and then prepare review comments, per Section 4.1.5. The review process ends with these development review comments, which may address implications and requirements related to drainage, operations, and right-of-way.

- **Small developments:** The review of small developments with no direct highway access may be relatively cursory, addressing issues that directly impact MnDOT right-of-way, such as drainage and corner clearance; while,
- **Large developments:** For large developments, MnDOT may recommend that a Traffic Impact Study (TIS) be prepared as a condition of local approval even if no direct trunk highway access is proposed. Chapter 5 provides guidance on the TIS process.

When trunk highway access is proposed

When trunk highway access is proposed, the plan or permit application should be reviewed for consistency with the guidelines in Sections 3.2 and 3.3. It may be necessary to seek additional information or clarification from the LGU and/or property owner/developer in order to determine whether a plan or permit application is consistent with the guidelines. In addition, MnDOT's Office of Transportation System Management (OTSM) should be consulted if questions remain regarding street spacing, access rights, or the availability of reasonably convenient and suitable access.

If the proposed access is consistent with the criteria in Sections 3.2 or 3.3: A general decision to allow the proposed street or driveway access to the trunk highway should be positive. The review will then proceed to evaluate location and design considerations for the access (see Section 4.1.4).

If the proposed access is not consistent with the criteria in Sections 3.2 and 3.3: The applicant should be notified in writing and given the reason(s) for that negative decision (see Section 4.1.5).

- An access request should never be denied due to a lack of information. Instead, the applicant should be notified that review cannot be completed until the specified information is provided.
- Development review comments should not state that access is or will be denied. Instead, the focus should be on how to provide access to the property that will be consistent with the guidance.
- The determination of "reasonably convenient and suitable access" is highly situational. As a result, disagreements may arise between a permit applicant and a district. To promote statewide consistency on the application of "reasonably convenient and suitable access," a district should consult with OTSM and other districts before making a final decision. If warranted, OTSM will involve the Attorney General's Office in the discussion.

4.1.4 Step 1-4 – Review Location and Design Considerations

Once the reviewer determines that some type of public street connection or driveway access to the trunk highway will be allowed, the optimal location and design of the connection must be determined based on the guidelines provided in Section 3.4.

Figure 4.1 provides a summary of the location and design criteria to be considered, along with MnDOT’s policy regarding whether these criteria will be applied as permit conditions, or as recommendations to the LGU for inclusion as local conditions of approval.

In either case, the earlier these conditions or recommendations are communicated to the property owner, developer, or LGU, the more easily they can be accommodated. Evaluating these considerations early in the development review process, and communicating with the LGU prior to any local zoning or subdivision approvals is critical for successful application of the guidelines.

A more detailed explanation of the policy for applying the individual location and design elements follows.

Figure 4.1: Location and Design Considerations

Location and Design Considerations	Public Street Connections	Driveway Connections	
	Condition of a Permit	Recommendation to LGU: as a locally-initiated improvement or as a condition of local approval	Condition of a Permit
Number of Driveways (<i>Section 3.4.1</i>)	N/A	Yes	Yes
Location of Access			
Sight distance (<i>Section 3.4.2</i>)	Best Fit	Best Fit	Best Fit
Spacing between driveways (<i>Section 3.4.3</i>)	N/A	Best Fit	Best Fit
Access not in functional area of an intersection (<i>Section 3.4.4</i>)	N/A	Best Fit	Best Fit
Offset streets and driveways (<i>Section 3.4.5</i>)	Best Fit	Best Fit	Best Fit
Restricted Movements and Median Openings (<i>Section 3.4.6</i>)			
Designed to restrict movements	Yes	Yes	Yes
Median construction	Yes	Yes	No
Close median opening	Yes	Yes	No
Turn Lanes, if warrants are met (<i>Section 3.4.9</i>)			
Right-turn lane	Yes	Yes	Yes, if existing R/W is sufficient
Left-turn lane/Left-turn bypass lane	Yes	Yes	No
Shared Driveway (<i>Section 3.4.7</i>)	N/A	Yes	No
Sight Corner Preservation	Yes	Yes	No

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Number of Driveways

The guidance in Section 3.4.1 regarding the number of driveways that will be allowed relates to providing reasonably convenient and suitable access to that specific use and property, and therefore will be a condition of the access driveway permit.

Location of Access

The guidelines related to location of the access, such as providing adequate sight distance and spacing between intersections or driveways, should be used to determine the “best fit” location for the street or driveway in the context of the highway corridor or specific property. Once determined, the “best fit” location will become a condition of the permit for both public street connections and private driveways. If the process is still at the development review stage, the “best fit” location for the access connection will be recommended to the LGU and developer or property owner. MnDOT will further recommend that the LGU adopt the recommended location as a condition for any related local zoning or subdivision approvals.

Restricted Movements, Medians, and Turn Lanes

The application of guidelines related to restricted movements, medians, and turn lanes will vary, depending on whether the access connection is a public street or a private driveway.

- **For public street connections:** Median treatments, left- and right-turn lanes and bypass lanes warranted under the guidelines will be a condition of the permit. The local unit of government will be responsible for the construction of these improvements, including all related costs and the deeding of any additional right-of way necessary to accommodate these improvements. The LGU may assign these costs to a developer or property owner as conditions of local development approvals, but will still be ultimately responsible for compliance with these permit conditions.
- **For private driveway permits:** Conditions of approval must fall within the reasonable exercise of the state’s police power. Conditions related to restricted movements and turn lanes will include only the design of the driveway entrance itself to restrict movements (e.g., pork chop design) and construction of warranted right-turn lanes, provided there is adequate existing right-of-way* to accommodate the right-turn lane. The applicant will be responsible for the costs associated with constructing these entrance design features.

Other design features related to medians or turn lanes, warranted under the guidelines, will not be treated as conditions of the driveway permit, but will be recommended for consideration by the LGU as locally-initiated improvements to the trunk highway system. The LGU will need to determine whether it can assign any of the costs of these improvements, including the acquisition or dedication of additional right-of-way, to private property owners through assessments or related zoning and subdivision approvals.

** “Adequate right-of-way” means sufficient area to accommodate the ditch bottom and other MnDOT-maintained appurtenances without affecting adjacent private property.*

Shared Driveways

The guidelines for shared driveways apply to private driveway access only. Shared driveways should be recommended during development review to the property owner and LGU, based on the guidelines in Section 3.4.7, but will not constitute a condition of approval for a driveway permit.

Sight Corner Preservation

A sight corner may be needed to provide the additional sight lines to meet the intersection sight distance or to provide an additional measure of safety (see MnDOT's Road Design Manual, Section 5-2.02.01). MnDOT should recommend to the LGU that sight corners be preserved if intersection sight distance cannot be otherwise attained or if MnDOT determines the additional measure of safety is necessary. Sight corner preservation may be accomplished through various means, including the dedication of right-of-way or an easement, or by local zoning or subdivision requirements.

Evidence of sight corner preservation to meet intersection sight distance will be a condition of a public street connection permit.

Sight corner preservation will not constitute a condition of approval for a driveway permit, but will be recommended as a condition of local approval.

4.1.5 Step 1-5 – Communicate Conclusions and Recommendations

Once the development plan or access permit has been reviewed against the guidelines in Chapter 3, the resulting conclusions and recommendations should be communicated to the affected parties. The scope, content, and form of the communication will vary somewhat depending on whether it is a development review or an actual permit application review, and the complexity of the issues involved.

Development Reviews

Communication regarding development review should generally be provided by written letter to the developer, property owner, the LGU having land-use authority, and any other affected road authorities. If the timeline for local approval of the development is tight, communication by email and/or telephone is recommended.

The development review letter is both an opportunity to educate local officials and the time to request that the LGU impose specific requirements on the development through its local development approval process. The letter should address not only access concerns but the broader transportation and environment concerns, as applicable to the proposed development, as discussed below.

Proposed Access

- Is the proposed access consistent with the guidelines in Chapter 3 for highway allowance? If no, explain why not and what needs to change to be consistent.
- If an access permit will be ultimately required, that should be noted. But at this point, the review comments should not take a definitive position on whether the permit will be approved or denied, unless the affected highway is a fully access controlled facility. Note that if the development plan changes in the future or surrounding conditions change, MnDOT's position on the ultimate permit request could change.
- What location and design features are likely to be a condition of the permit? What location and design features does MnDOT recommend the LGU apply as a condition of its local development?

Future Development

In areas where additional development or redevelopment is likely to occur, MnDOT may address plans for serving future development and connectivity between developments, including identification of issues and potential options to consider. If such discussion is not already underway, MnDOT may request a meeting with the LGU to discuss these issues.

Need for a TIS

If not previously addressed through earlier communication, advise the developer and LGU if MnDOT recommends a Traffic Impact Study be conducted to evaluate the roadway improvements needed to serve the proposed development and surrounding area. If MnDOT anticipates the study is likely to identify a need for significant improvements, recommend that the LGU postpone local development approvals until the study is complete and all parties have had an opportunity to consider the results. The LGU may need to take formal action to extend the legally-required local review period to accommodate the TIS.

Future Trunk Highway Improvements

Inform the developer and LGU of any planned improvements to the trunk highway and explain its relationship to the proposed development or access. If development plans presume certain trunk highway improvements will occur, up-to-date information on the timing, design, and level of certainty around those projects should be provided. Advise the developer and LGU on any revisions to the proposed development that would make it more compatible with future roadway plans, and request that those recommendations be supported by the LGU.

Right-of-Way Preservation

If there is an adopted corridor plan or programmed project for future highway expansion that could be affected by the proposed development, explain the impacts and request that the LGU assist in right-of-way preservation through its local planning and development approval process. Local government options to preserve right-of-way will vary with the scale of development and the type of local development approval required. As a condition of local subdivision/plat approval, dedication of right-of-way may be an option.

Generally, subdivision dedication requirements will be limited to that which is directly related and proportional in scale to the impact of the specific development (e.g., dedication of right-of-way for turn lanes into the development). Local governments may work with developers to foster future corridor expansion plans through other approaches, such as official mapping, platting of outlots, and density transfers and voluntary setbacks.

- Dedication of right-of-way for improvements directly related to the proposed public street connection may be a condition of approval for a MnDOT public street connection permit;
- Dedication of right-of-way for general corridor expansion or access control is not a condition of approval for a MnDOT public street connection permit; and,
- Dedication of right-of-way or access control is not a condition of approval for a MnDOT private driveway permit.

Drainage

Advise the developer and LGU that any proposed change in land use adjacent to MnDOT right-of-way should perpetuate the existing drainage patterns and maintain the stability of the highway infrastructure. MnDOT will address any drainage impacts related to a proposed development in its comments to the LGU.

Additional information and analysis may be requested if needed. Further information on drainage is provided in the *MnDOT Drainage Manual* located at: <http://www.dot.state.mn.us/bridge/hydraulics/drainagemanual.html>

Noise

Advise the LGU and developer that municipalities are responsible for taking all reasonable measures to prevent the establishment of land uses that would result in violations of noise standards. Also note that MnDOT policy prohibits use of highway funds to mitigate noise impacts on developments adjacent to existing highways.

Other MnDOT Permits

If a permit will be needed for drainage, utilities, grading, or other work within state right-of-way, the required permit form and MnDOT contact should be identified from the list below:

- *Drainage Permit (Form TP-30795-020)* is required when drainage from a proposed development will enter or cross state right-of-way;
- *Application for Utility Permit on Trunk Highway Right-of-Way (Form 2525)* is required for permanent utility installations on state right-of-way; and,
- *Application for Installation of Utilities or Miscellaneous Work on Trunk Highway Right-of-Way (Form TP-1723)* is required to grade, fill, or remove dirt, and for temporary utility installations or maintenance of utility facilities within the right-of-way.

Access Permits

If the proposed access is consistent with the criteria in Sections 3.2 or 3.3, and access will be allowed, the reviewer should determine whether communication with the applicant is needed at this point in the process:

- If significant changes are needed to address the location and design considerations, such as conditions of approval requiring turn lanes or median work, the applicant should be notified in writing at this time. The notice must be provided within the time frame required by Minnesota Statutes §15.99.
- If no major conditions of approval are anticipated, the applicant should be notified per section 4.2.3.
- If significant changes or conditions are needed to obtain approval of the application, such as median work or adding a turn lane, the application may be approved subject to conditions. The applicant should be notified in writing at this time. The notice must be provided within the 60-day time frame required by Minnesota Statutes § 15.99. Failure of the applicant to satisfy the conditions may be a basis to revoke or rescind the approval, and will not give rise to a claim that the 60-day time frame was not met.

If the review of a permit request has determined that the proposed access is not consistent with the criteria in Sections 3.2 and 3.3, the applicant must be notified in writing and the notice must provide the reason(s) for the denial.

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Who should be notified

- On public street connection permits, the LGU and the developer/agent, if any, should be included in all correspondence.
- On private driveway permits, the applicant and LGU should be included in all correspondence.

Appeal of a Denial of a Permit Application

MnDOT's written notice of denial or revocation of an access permit will set out the process for the appeal, in accordance with Minn. Stat. §§14.57 through 14.62 (See Section 4.2.3.). In accordance with Minn. Stat. §160.18, Subd. 4, the appeal process provides the owner or occupant (hereinafter the "appellant") and the Department of Transportation staff the opportunity to present information supporting each party's respective position. The appellant must submit an appeal, in writing, to the District Engineer for the District where the application was submitted no later than 30 calendar days after the date MnDOT issued written notice of the denial or revocation of an access permit.

Upon receipt of an appeal, the District should notify the Office of Chief Counsel, which will work with the Office of Attorney General ("AG") to initiate a contested case hearing, pursuant to Minn. Stat. §14.57. The Office of Chief Counsel will docket the appeal as a contested case with the Office of Administrative Hearings ("OAH") and submit to the OAH a Notice of Appearance and a Request for Administrative Law Judge Services. The OAH will assign an Administrative Law Judge ("ALJ") to the case and set a date for a prehearing conference with the ALJ, the appellant, and the AG's Office on behalf of MnDOT.

The Office of Chief Counsel will also prepare and issue a legal hold notice to appropriate MnDOT employees. Employees receiving the legal hold notice should promptly respond and provide the Office of Chief Counsel with any responsive documents and information.

The ALJ will subsequently conduct a contested case hearing, as set out in Minn. Stat. §§14.57 through 14.62. MnDOT and the appellant will be allowed to present evidence at the contested case hearing, including examining and cross-examining witnesses. MnDOT employees may be asked by the Office of Chief Counsel to assist in preparation of and provide testimony at the contested case hearing.

Within 30 days of the conclusion of the hearing, the ALJ will transmit to the Commissioner of MnDOT the record of the proceedings, along with a report and recommendation based on the record made in the hearing. The Commissioner will review the ALJ's report and recommendation and issue a written decision and order, which will be served by first class mail upon each party to the appeal and upon the ALJ, as provided by Minn. Stat. §14.62, Subd. 1. The written decision and order shall address the reasons for the decision and clearly state the final decision.

4.2 Phase 2 – Permitting Process

The permitting process provides guidance for conditions specific to the design and construction of the proposed access and completion of the permit.

4.2.1 Step 2-1 – Review Detailed Design and Construction Plans

In most cases, review of the detailed design of an access and elements related to its construction, as shown in Figure 4.2, will not begin until its general design and location considerations, as outlined in Section 4.1.3, have been determined. The considerations in this section will vary depending on the complexity of the access request.

Figure 4.2: Detailed Design and Construction Considerations

Detailed Design and Construction Considerations	Street Connections	Driveway Connections
	Condition of a Permit	Condition of a Permit
Geometric Design	Yes	Yes
Pavement Design	Yes	Yes
Grading, Erosion Control & Turf Establishment	Yes	Yes
Work Zone Traffic Control	Yes	Yes
Drainage Appurtenances	Yes	Yes
Driveway Closure/Removal	Yes	Yes
Restoration of Right-of-way	Yes	Yes
Temporary or Interim Access	Yes	Yes

Geometric Design

The geometric design of an intersection or a driveway will be a condition of the access permit.

The geometric design should be appropriate for the anticipated vehicle types and the forecasted traffic volumes, and should specifically address side slopes, approach grades, turning radii, skewed intersections, approach width, and vertical profiles, as described in the *MnDOT Road Design Manual*. The design information included in the access permit will vary with the complexity of the access.

- Detailed design plans are not needed if MnDOT Standard Plates will be followed:
 - Standard plates are available at: <http://standardplates.dot.state.mn.us/StdPlate.aspx>
- If standard plates are not used, the applicant must provide the following:
 - Detailed drawings of the proposed public street connection or driveway, including width and radii;
 - Detailed designs for proposed pavement widening, construction of additional lanes, or other planned highway improvements;
 - Plans for site preparation, side slope, and landscaping; and,
 - Other information, as necessary.

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Pavement Design

The pavement conditions described on an access permit application are to specify surfacing materials, pavement depths, and construction requirements for modifications to the existing highway structure and any auxiliary lanes, including requirements for shoulder modifications and the removal and replacement of curb and gutter.

Grading, Erosion Control, and Turf Establishment

The conditions considered in the review of an access permit application that are critical to maintaining a safe clear zone and minimizing future maintenance include specific requirements for fill, compaction, ground cover, control of erosion and sedimentation, and reshaping of disturbed areas.

Work Zone Traffic Control

The work zone traffic control requirements are conditions taken into consideration in the review of an access permit application.

Work zone traffic control during construction is required in accordance with the *Minnesota Manual of Uniform Traffic Control Devices (Mn MUTCD)* and the *Temporary Traffic Control Zone Layouts Field Manual (Field Manual)* to ensure that work is accomplished safely and with minimal interference to highway operations. The specific requirements will vary, depending on the complexity of the work within MnDOT right-of-way. These requirements may include specifying work zone layouts, use of control devices, traffic barriers, and temporary signage, and restrictions on hours or days when work may occur.

- The *Mn MUTCD* is located at:
<http://www.dot.state.mn.us/trafficeng/publ/mutcd/index.html>
- The *Temporary Traffic Control Zone Layouts Field Manual* is located at:
<http://www.dot.state.mn.us/trafficeng/otepubl/fieldmanual2007/index.html>

Drainage

Any proposed access should perpetuate the existing drainage patterns and maintain the stability of the highway infrastructure. The size and type of any necessary drainage appurtenances (e.g., culverts, end treatments, ditch widths, etc.) are conditions that are taken into consideration in the review of an access permit application.

Additional information and analysis may be requested if needed. Further information on drainage is provided in the *MnDOT Drainage Manual* located at:

<http://www.dot.state.mn.us/bridge/hydraulics/drainagemanual.html>

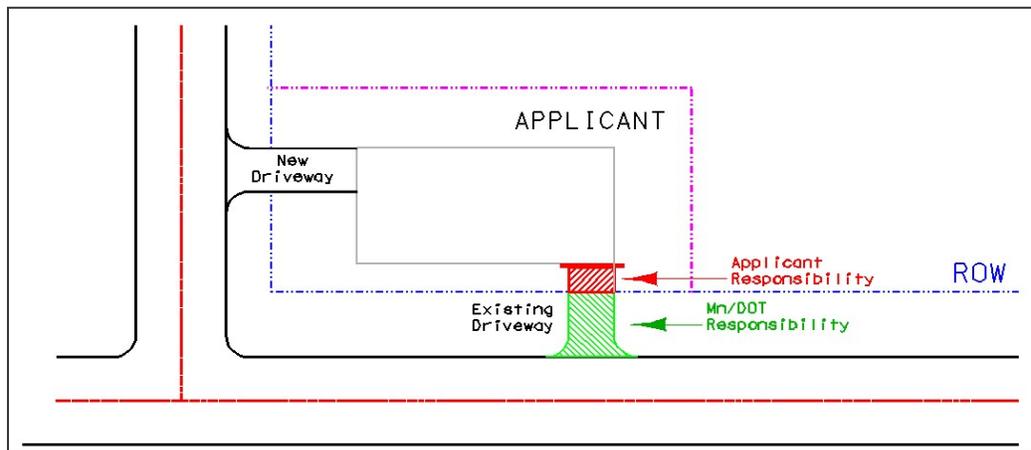
Driveway Closure/Removal

MnDOT may recommend as part of its comments to the LGU that a driveway be closed or removed as a condition for any related local zoning or subdivision approvals.

Whether an applicant is required to close or remove a driveway as a condition of a driveway permit will vary with the situation:

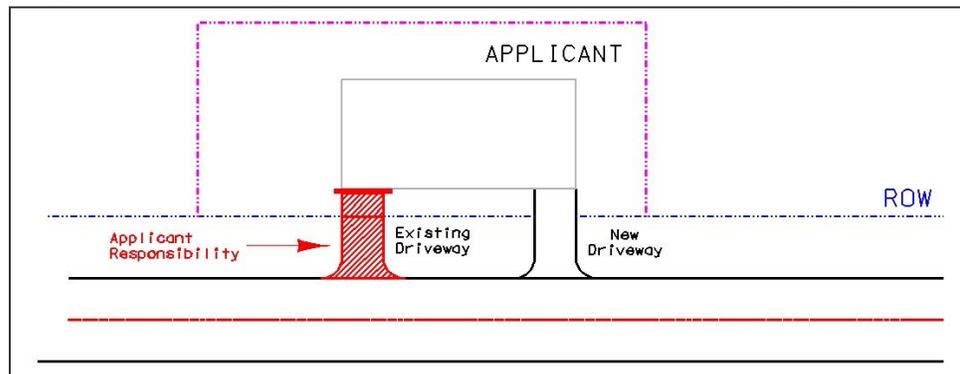
- In the case of a change in use, if MnDOT requires closure of an existing driveway as a condition of a permit, because alternative access is now available, the applicant will be required to barricade the existing driveway on their property and protect the right-of-way from erosion. The barricade should be a physical barrier that prevents traffic from using the driveway. The barrier must be visible and cannot adversely impact the safety of the highway. MnDOT should be responsible for driveway removal and restoration within MnDOT right-of-way (see Figure 4.3).

Figure 4.3: Driveway Removal when Alternate Access Is Available



- If MnDOT requires closure of an existing driveway in order to allow an applicant to construct a new driveway or relocate an existing driveway on a trunk highway, the applicant is required to remove the existing driveway and restore MnDOT right-of-way (see Figure 4.4). This condition includes the physical removal of the driveway approach and drainage appurtenances (in rural areas) or the removal of the driveway apron and reconstruction of the curb, gutter, and sidewalk (in urban areas).

Figure 4.4: Driveway Removal as a Result of a New Driveway Request



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Restoration of the Right-of-Way

The restoration of MnDOT right-of-way includes a set of conditions that are considered in the review of an access permit application.

These conditions require the applicant to fully restore the state right-of-way to its pre-existing condition once construction is complete, and to leave it free of rubbish, excess materials, temporary structures, or equipment. These conditions include the following:

- The complete restoration of any damage caused by the authorized work;
- Preservation of existing survey monuments;
- Replacement of disturbed sidewalk, paved boulevards, curb, and curb returns;
- Removal, replacement, or installation of roadway signs;
- Removal, replacement, or installation of pavement markings;
- Replacement or restoration of fencing;
- Compliance with restrictions on tree clearing and trimming; and,
- Disposal of timber, roots, and debris.

Temporary and Interim Access

Temporary or interim access may be a condition of an access permit.

- **Temporary access** (in use for a stated period or time, usually one year or less): The permit should specify the exact date by which the access must be removed and should detail all conditions for its removal and restoration of the right-of-way. Removal of the temporary street connection or driveway should be a condition of the permit.
- **Interim access** (Section 3.4.8): When access will be allowed for an interim basis only, the conditions of the permit should indicate that the access has an interim status and should specify the date or conditions under which access must be changed. The permit conditions should specify both conditions related to the interim access and any conditions related to the change in access (such as the removal of a culvert or replacement of the curb and gutter). If the replacement access will also have trunk highway access, the precise location of that access and all conditions related to its design and construction should be specified.

4.2.2 Step 2-2 – Establish Deposit

A deposit will be required to cover potential MnDOT expenses caused by the applicant's work. Potential expenses may include the cost of out-of-the-ordinary engineering supervision or inspection, as well as the cost to **repair damage** done to the existing infrastructure. The deposit may not be used to cover the cost of constructing highway improvements, such as auxiliary lanes.

The required deposit should reflect the value of the existing infrastructure, the complexity of the project, and the risk of damage to state property or facilities. A deposit cannot be required for a change in use that does not involve construction or other work in state right-of-way.

The deposit may be in the form of a certified check, cashier's check, or a bond payable to the Minnesota Commissioner of Transportation. MnDOT may also accept, but not require, other types of security.

- **Public Street Connection Permits:** The deposit will be provided by the responsible road authority, or an agent, contractor, developer, or property owner. However, the road authority remains responsible for any costs to repair damage above those covered by the deposit.
- **Private Driveway Permits:** The deposit will be provided by the property owner or an agent, contractor, or developer. However, the property owner remains responsible for any costs to repair damage above those covered by the deposit.

4.2.3 Step 2-3 – Notify Applicant of Completion of Permit

Once MnDOT has completed the review of an access permit request, determined the conditions of the permit, and established the amount of the deposit, the applicant should be notified promptly, and in no case later than the 60-day time frame. Notification shall be in writing, and should specify that the permit will be issued when the specified deposit has been received. It should also state that no work may be conducted within MnDOT right-of-way until the permit is issued.

- **Public Street Connection Permits:** Both the LGU and any designated contractor and agent should receive notification that their permit has been approved.
- **Private Driveway Permit:** The applicant should receive notification that their permit has been approved. A copy of the notification should also be provided to the LGU.

All notifications (regardless of whether the application is approved, approved with conditions, or denied) must contain the following text:

"MnDOT has an appeal process relating to applications for access (driveway) permits. Appeals must be submitted within thirty (30) calendar days of the date of this notification. Appeals must be submitted in writing to the attention of the District Engineer of the MnDOT District where the application was submitted. Any appeal shall include the following information:

- Identify the specific decision to be reconsidered.
- Provide an explanation of why you believe the decision is incorrect.
- Describe the outcome you are seeking.
- Provide any relevant information that you believe was not previously considered.

Upon receipt of your appeal, MnDOT will initiate a contested case with the Minnesota Office of Administrative Hearings ("OAH"), in accordance with Minn. Stat. §160.18, Subd. 4, and Minn. Stat. §§14.57 through 14.62. The OAH will assign an Administrative Law Judge who will hold a hearing on the contested case. You and MnDOT will have the opportunity to present information at the hearing.

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Within 30 days of the hearing's conclusion, the Administrative Law Judge must transmit to the Commissioner of the Department of Transportation the record of the proceedings, along with a report and recommendation based on the record made in the hearing. The Commissioner will make a written decision, which will be mailed to you through the U.S. Mail."

4.2.4 Step 2-4 – Receive Deposit and Issue Permit

Upon receipt of the deposit, the approved application form and a list of all conditions should be given to the applicant, which will stand as the permit. MnDOT should retain a copy. A permit should not be given an effective date, nor should it be issued, until the deposit is collected. If the deposit is not submitted within one year from the time the applicant was notified of approval, the permit may be cancelled.

Specific Requirements for All Access Permits

Each permit should clearly state:

- A reference point identifying the precise location of a public street connection or driveway;
- Contact information for the applicant and the lead contractor or project manager for the job, as appropriate;
- The highway access category and subcategory;
- The specific use served by a driveway, including square footage and/or number of pumps, bays, or residential units (in order to more easily identify the use changes in the future);
- All conditions relating to the location, design, and construction of the driveway or public street connection;
- The effective date of the permit;
- The date by which all work must be complete; and,
- The MnDOT contact for scheduling inspection(s).

General Boilerplate Language for All Access Permits

The following conditions apply to all access permits:

- Issuance of a permit does not release the holder from compliance with other federal, state, or local laws, ordinances, or regulations. A permit is approval from MnDOT only to construct and/or use an access. Permit holders must also comply with all applicable federal, state, and local requirements.
- MnDOT retains the right to use state right-of-way and to enter any portion of an access located within the right-of-way for highway purposes.
- A permit does not grant the right to encroach onto state right-of-way to conduct business, park equipment, service vehicles, or place advertising devices or signs.
- A permit does not grant the right to obstruct or encumber state right-of-way or interfere with the safety, comfort, or rights of highway and right-of-way users.
- The permit holder agrees to hold MnDOT, its assigns, agents, and employees harmless from claims, damages, and expenses arising from construction, maintenance, or operation of the access.
- A new permit is required to modify a driveway or change its use; and,
- A new permit is required to modify the design or location of a public street connection, but *not* to change its use.

Use of Standard Plates

If detailed design is addressed through standard plates, the conditions of the permit should indicate such and the appropriate plate(s) provided.

4.3 Phase 3 – Construction, Inspection, and Release of Deposit

4.3.1 Step 3-1 – Construction

The permit holder is responsible for ensuring that:

- All work within MnDOT right-of-way is completed in a safe and expedient manner;
- A copy of the permit is available at the work site; and,
- All contractors comply with all provisions and conditions of the permit.

Note: If construction has not begun by the completion date specified on the permit, the permit is void. MnDOT may choose to extend the permit.

4.3.2 Step 3-2 – Inspection

Any work within state right-of-way should be performed to MnDOT's satisfaction. It may be inspected at any time and halted if not in compliance with the permit, if in conflict with concurrent highway construction or maintenance, or if it poses a danger to state property or the health and safety of workers or the public.

Failure to comply with all conditions of the permit is a violation of the permit.

4.3.3 Step 3-3 – Release of Deposit

Applicants should be instructed to request final inspection. Once the final inspection is complete and all work performed by the applicant is satisfactory, the deposit is returned. No portion of the deposit should be returned until all work has been approved by the District.

4.3.4 Step 3-4 – Close File

Once the deposit has been returned, documentation should be completed and the file closed.

- Ensure that all documentation is appropriately filed using EDMS and/or paper copies, per District protocol.
- Complete the record in WMS.

4.4 Effects of a Permit / Enforcement

A permit is a legal document authorizing the construction and/or use of a specific driveway. Because the permit is tied to the property, its conditions apply to current and future owners and occupants of that property.

- Each permit is issued for a specific location, design, and land use. A new permit is required to modify an existing driveway or to change its use.
- A permit grants the holder the right to construct and/or use the permitted driveway. It does not convey any rights, title, or interest in the highway, its design, or its operation.
- A permit does not relieve the applicant of responsibility for costs related to the application for or construction, maintenance, and use of the driveway.

The applicant's signature and payment of the deposit constitutes agreement to comply with all conditions of the permit.

If inspection reveals that construction does not conform to the permit conditions, the permittee should be notified in writing and given instructions on what corrections or additions are needed. Failure to comply with the conditions may result in revocation of the permit.

Before commencing with any physical action to effect permit revocation of a previously approved driveway or street connection, district staff should consult with the AG's Office for legal direction.

Note: MnDOT is not responsible for enforcing the construction of turning lanes required by the LGU and cannot use a permit applicant's deposit to construct such lanes. However, if construction of a locally required turn lane is left only partially completed or causes damage to the trunk highway, the permit applicant's deposit can be used to restore the highway to its original condition.