



Minnesota Department of Transportation

Transportation Building

395 John Ireland Boulevard

Saint Paul, Minnesota 55155-1899

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ADMINISTRATIVE  
HEARINGS

November 8, 2011

The Honorable Raymond R. Krause  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Expedited Rules of the State Department of Transportation Relating To Local State-Aid Route Standards, Request for Review and Approval of Expedited Rules; Governor's Tracking #AR 587

Dear Chief Judge Krause:

The Minnesota Department of Transportation proposes to adopt the above-named expedited rules governing Local State-Aid Route Standards. The authority for these expedited rules is stated in Minnesota Statutes, sections 162.02 and 162.09. This letter requests that the Office of Administrative Hearings review and approve these rules under Minnesota Statutes, section 14.389.

Enclosed are the documents required by the OAH Rules, part 1400.2410, subpart 2, items A to K. Paragraphs A to K of this letter are keyed to items A to K of part 1400.2410. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason why the document is not applicable to these rules.

- A. Enclosed: the proposed rules, including the Revisor's approval.
- B. Enclosed: the Notice of Intent to Adopt Expedited Rules as mailed and published in the State Register on August 29, 2011.
- C. Enclosed: the Certificate of Mailing the Notice of Intent to Adopt Expedited Rules and the Certificate of Accuracy of the Mailing List.
- D. Enclosed: the Certificate of Additional Notice.
- E. Enclosed: all written comments and submissions on the proposed rules.
- F. Not Enclosed: the notice of withdrawal of hearing requests and related documents because no hearing requests were received during this rulemaking.

- G. Enclosed: a copy of the adopted rules dated October 25, 2011. The modification to the proposed rules is reflected in the rules as adopted and approved by the Revisor of Statutes.
- H. Not Enclosed: a notice of adopting substantially different rules because the Department did not adopt substantially different rules.
- I. Enclosed: the Order Adopting Rules that complies with the requirements in part 1400.2090.
- J. Not Enclosed: a notice of submission of rules to the Office of Administrative Hearings and related documents because no one requested to be notified of the submission.
- K. Not Enclosed: any other document or evidence to show compliance with any other law or rule which the Department is required to follow in adopting these rules.

If you have questions about the enclosed documents or the proposed expedited rules, please contact me at 651-366-3066.

After completing your review, please send any correspondence to me at the following address:

Laura Nehl-Trueman  
Office of Chief Counsel, MS 130  
Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155

Yours very truly,

A handwritten signature in cursive script that reads "Laura Nehl-Trueman". The signature is written in black ink and is positioned above the typed name and title.

Laura Nehl-Trueman  
MnDOT Rule Coordinator

1.1 Department of Transportation  
1.2 Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards

1.3 8820.0100 DEFINITIONS.

1.4 [For text of subs 1 to 2f, see M.R.]

1.5 Subp. 3. **City engineer.** "City engineer" means a ~~registered~~ licensed professional  
1.6 engineer employed as the city engineer or the director of public works, city engineer of  
1.7 each urban municipality.

1.8 [For text of subs 3a and 3b, see M.R.]

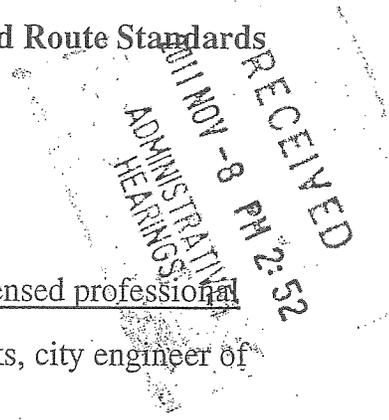
1.9 Subp. 3c. **Clear zone.** "Clear zone" is the distance measured from the edge of the  
1.10 outside through-traffic lane, which must be free of fixed objects and meet or exceed the  
1.11 minimum in-slope dimensions indicated in the design charts of this chapter.

1.12 [For text of subs 4 and 4a, see M.R.]

1.13 Subp. 5. **County highway engineer.** "County highway engineer" means a ~~registered~~  
1.14 licensed professional engineer employed as the county highway engineer, county engineer,  
1.15 or the director of public works, county engineer of each county.

1.16 [For text of subs 6 to 13a, see M.R.]

1.17 Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or  
1.18 rehabilitation of the pavement structure to extend the life of the roadway and effectively  
1.19 address critical safety and operations needs through minor improvements to the existing  
1.20 facility. Reconditioning projects generally utilize the existing horizontal and vertical  
1.21 alignment, may entail minor widening or geometric improvement, and normally require  
1.22 little or no additional right-of-way. Reconditioning may include changes in vertical or  
1.23 horizontal alignment involving no more than 20 percent of the length of the project.  
1.24 Reconditioning may include curb replacement along no more than 20 percent of the  
1.25 length of the project, not including curb replacement for purposes of the Americans with



2.1 Disabilities Act of 1990, United States Code, title 42, section 12101 et seq. Work does not  
2.2 normally extend beyond the existing ditch bottom.

2.3 [For text of subps 13c to 22, see M.R.]

#### 2.4 **8820.1500 CONSTRUCTION FUNDS.**

2.5 Subpart 1. [Repealed by amendment, 8 SR 2146]

2.6 Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to  
2.7 the execution of a contract that includes a requirement for bond, and a payment request,  
2.8 the commissioner shall promptly release from the funds available to the county or urban  
2.9 municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt  
2.10 of a signed supplemental agreement, including by means of an electronic signature, for a  
2.11 major addition to the contract, or appraised values for additional right-of-way costs, the  
2.12 commissioner shall promptly release from the funds available to the county or urban  
2.13 municipality up to 95 percent of the state-aid portion of the supplemental agreement or  
2.14 right-of-way appraised value. The commissioner shall keep the remaining percentage of  
2.15 the state-aid share of the contract, except of approved right-of-way claims which will be  
2.16 paid in full upon proof of acquisition and availability of funds, until the project is 95  
2.17 percent or more completed as substantiated and requested by the county or city engineer.

2.18 Upon receipt of the final project acceptance and final cost determination by the county  
2.19 or city engineer, and upon concurrence of project acceptance by the district state aid  
2.20 engineer, the commissioner shall promptly release from the funds available any remaining  
2.21 money due to the state-aid portion of the contract.

2.22 [For text of subps 3 to 12, see M.R.]

#### 2.23 **8820.2500 MINIMUM STATE-AID STANDARDS.**

2.24 [For text of subps 1 to 2, see M.R.]

3.1 Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes  
3.2 must be at least 60 feet within cities and 66 feet in rural areas, except that the right-of-way  
3.3 may be less for routes that are within a city, that were constructed before November 13,  
3.4 1995, and that can be reconstructed to new construction standards within the previously  
3.5 existing right-of-way. Before construction, the governing body shall acquire control of  
3.6 the additional widths of right-of-way as may be necessary to properly maintain the ditch  
3.7 section, drainage structures, and the ~~recovery area~~ clear zone. Permanent easements for  
3.8 highway purposes are considered to be right-of-way for the purposes of this subpart.

3.9 [For text of subp 4, see M.R.]

3.10 **8820.3100 GENERAL STATE-AID LIMITATIONS.**

3.11 [For text of subp 1, see M.R.]

3.12 Subp. 2. **Lighting hazardous areas.** The cost of roadway and bridge lighting of  
3.13 locations at which accidents are likely to occur or are otherwise hazardous is an eligible  
3.14 expense if that lighting:

3.15 [For text of items A and B, see M.R.]

3.16 [For text of subps 3 to 9, see M.R.]

3.17 Subp. 9a. [See repealer.]

3.18 [For text of subp 10, see M.R.]

3.19 **8820.3200 LOCAL ROAD RESEARCH BOARD.**

3.20 Subpart 1. **Appointment.** The commissioner shall appoint a local road research  
3.21 board consisting of the following members:

3.22 [For text of items A and B, see M.R.]

3.23 C. two Department of Transportation staff engineers, one of whom must be the  
3.24 department's state-aid engineer;

4.1 [For text of items D and E, see M.R.]

4.2 Subp. 2. **Terms.** Appointments of county highway and city engineers, except for  
4.3 unexpired terms, are for ~~three~~ four years. The other members shall serve at the will of  
4.4 the commissioner.

4.5 [For text of subp 3, see M.R.]

4.6 **8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN**  
4.7 **UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.**

4.8 New or reconstruction projects for rural and suburban undivided roadways must meet  
4.9 or exceed the minimum dimensions indicated in the following design chart.

Projected ADT ( <del>b</del> ) (a)	Lane Width (a)	Shoulder Width (g)	In- slope (e) (b)	Recovery Area ( <del>d</del> ) Clear Zone (c)	Design Speed (e) (d)	Sur- facing	Structural Design Strength (h)	Bridges to Remain (f) (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
150-299	12	4	1:4	15	40-60	Agg./ Paved	7-ton/ 10-ton Staged (g)	28
300-749	12	4	1:4	15	40-60	Paved	9 10-ton Staged (g)	28
750-1499	12	4	1:4	25	40-60	Paved	9 10-ton Staged (g)	28
1500 and over	12	<del>6(g)</del> 6(f)	1:4	30	40-60	Paved	10	30

4.30 Engineering judgment may be used to choose a lane-width or shoulder-width  
4.31 dimension other than the widths indicated in the chart for roadways. Factors to consider

5.1 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
5.2 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
5.3 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
5.4 Widths less than those indicated in the chart require a variance in accordance with parts  
5.5 8820.3300 and 8820.3400.

5.6 (a) For rural divided roadways, use the geometric design standards of the Mn/DOT  
5.7 Road Design Manual, with a minimum ten tons structural design and minimum 40 mph  
5.8 design speed.

5.9 (b) (a) Use the existing traffic for highways not on the state-aid system.

5.10 (c) (b) Applies to slope within ~~recovery area~~ the clear zone only.

5.11 (d) ~~Obstacle-free area (measured from edge of traffic lane)~~; (c) Culverts with less  
5.12 than 30-inch vertical height allowed without protection in the ~~recovery area~~ clear zone.

5.13 Guardrail is required to be installed at all bridges where the design speed exceeds  
5.14 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than  
5.15 the sum of the lane and shoulder widths.

5.16 Mailbox supports must be in accordance with chapter 8818.

5.17 For roadways in suburban areas as defined in part 8820.0100, the ~~recovery area~~ clear  
5.18 zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet  
5.19 for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or  
5.20 less, the ~~recovery area~~ clear zone may be reduced to a width of ten feet.

5.21 (e) (d) Subject to terrain. In suburban areas, the minimum design speed may be equal  
5.22 to the current legal posted speed where the legal posted speed is 30 mph or greater.

5.23 (f) (e) Inventory rating of H 15 is required. A bridge narrower than these widths may  
5.24 remain in place if the bridge is not deficient structurally or hydraulically.

5.25 (g) (f) Shoulders are required to be a minimum width of eight feet for highways  
5.26 classified as minor arterials and principal arterials with greater than 1,500 ADT projected,  
5.27 at least two feet of which must be paved.

6.1 ~~(h) Phased projects must be constructed to attain design strength within three years of~~  
6.2 ~~completion of final grading. In suburban areas, the minimum structural design strength~~  
6.3 ~~is nine tons or ten tons as needed for system continuity.~~

6.4 (g) Except within municipal corporate limits, ten-ton staged structural design must be  
6.5 able to carry ten-ton axle loads except during spring load-restriction periods; or year-round  
6.6 if needed for system continuity. Roadbed width must accommodate ultimate ten-ton  
6.7 pavement overlay thickness and ultimate 1:4 side-slope. Within municipal corporate  
6.8 limits, minimum structural design must support nine-ton axle strength.

6.9 Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

6.10 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
6.11 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
6.12 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new  
6.13 or reconstructed bridges must be no less than either the minimum required lane plus  
6.14 shoulder ~~width~~ widths or the proposed lane plus shoulder ~~width~~ widths, whichever is  
6.15 greater, but in no case less than the minimum lane widths plus four feet, and in no case  
6.16 less than required per Minnesota Statutes, section 165.04.

6.17 For roundabout design, the design criteria of the current edition of the Minnesota  
6.18 State Aid Roundabout Guide are recommended.

6.19 **8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE**  
6.20 **REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND**  
6.21 **APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED**  
6.22 **ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.**

6.23 New bridge, bridge replacement, or bridge rehabilitation projects and approach  
6.24 roadways on rural or suburban undivided roadways that are not on the state-aid system  
6.25 must meet or exceed the minimum dimensions indicated in the following design chart.

7.1	Existing ADT	Lane Width	Shoulder	Inslope	<del>Recovery</del>	Design Speed
7.2	(a)		Width	(b)	<del>Area Clear</del>	<del>(e)</del> (d)
7.3					<u>Zone</u>	
7.4					(c)	
7.5		(feet)	(feet)	(rise: run)	(feet)	(mph)
7.6	0-49	11	1	1:3	7	30-60
7.7	50-149	11	3	1:4	9	30-60
7.8	150-400	12	4	1:4	<del>15(d)</del> 15(e)	30-60

7.9 Engineering judgment may be used to choose a lane-width or shoulder-width  
7.10 dimension other than the widths indicated in the chart for roadways. Factors to consider  
7.11 may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm  
7.12 equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic,  
7.13 other nonmotorized uses, functional classification, or other factors. Widths less than  
7.14 those indicated in the chart require a variance in accordance with parts 8820.3300 and  
7.15 8820.3400.

7.16 (a) For existing ADT greater than 400, part 8820.9920 standards apply.

7.17 (b) Applies to slope within ~~recovery area~~ the clear zone only.

7.18 (c) ~~Obstacle-free area (measured from edge of traffic lane):~~ Culverts with less than  
7.19 30-inch vertical height allowed without protection in the ~~recovery area~~ clear zone.

7.20 (d) Subject to terrain.

7.21 (e) For roadways in suburban areas, the ~~recovery area~~ clear zone may be reduced to  
7.22 a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of  
7.23 1,000 or over. Wherever the legal posted speed limit is 40 miles per hour or less, the  
7.24 ~~recovery area~~ clear zone may be reduced to a width of ten feet.

7.25 ~~(e) Subject to terrain.~~

7.26 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
7.27 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
7.28 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new

8.1 or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in  
 8.2 no case less than the minimum lane width plus four feet, and in no case less than required  
 8.3 per Minnesota Statutes, section 165.04.

8.4 Bridge structures of minimum 20-foot clear width may be constructed where existing  
 8.5 ADT is less than 50, potential for increasing ADT is low, and the local government  
 8.6 agency finds that the bridge width can operate effectively at that width for the expected  
 8.7 life of the bridge.

8.8 **8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR**  
 8.9 **RECONSTRUCTION PROJECTS.**

8.10 New or reconstruction projects for urban roadways must meet or exceed the minimum  
 8.11 dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed mph	Lane Width (a) feet	Curb Reaction Distance (e) feet	Parking Lane Width feet
Collectors or Locals with ADT < 10000	30-40	(b) 11	2	8
	over 40	12	2	10
Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

8.24 Engineering judgment may be used to choose a lane-width or shoulder-width  
 8.25 dimension other than the widths indicated in the chart for roadways. Factors to consider  
 8.26 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
 8.27 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
 8.28 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.

9.1 Widths less than those indicated in the chart require a variance in accordance with parts  
9.2 8820.3300 and 8820.3400.

9.3 (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if  
9.4 the design speed is over 40 mph.

9.5 (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

9.6 (c) May be reduced to two feet if there are four or more traffic lanes and on one-way  
9.7 streets.

9.8 (d) No parking is allowed for six or more traffic lanes or when the posted speed  
9.9 limit exceeds 45 mph.

9.10 (e) Curb reaction must be provided only where parking is not provided.

9.11 One-way streets must have at least two through-traffic lanes.

9.12 When a median is included in the design of the two-way roadway, a one-foot reaction  
9.13 distance to the median is required on either side of the median. Minimum median width is  
9.14 four feet.

9.15 Urban design roadways must be a minimum nine tons structural axle load design, or  
9.16 ~~ten tons if needed for system continuity. Phased projects must be constructed to attain~~  
9.17 ~~design strength within three years of completion of final grading.~~

9.18 Roadways not on the state-aid system are not subject to the minimum structural  
9.19 design strength requirements.

9.20 The minimum curb-to-curb width of a new bridge must be the required street width,  
9.21 but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading  
9.22 with AASHTO Standard Specifications or HL-93 loading with load and resistance factor  
9.23 design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18  
9.24 loading is required for all rehabilitated bridges. Where the new bridge approach roadway  
9.25 includes elements for the accommodation of pedestrians or bicycles, the new bridge  
9.26 width must also provide for pedestrians or bicycles unless pedestrians or bicycles are  
9.27 otherwise accommodated.

10.1 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
10.2 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
10.3 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
10.4 curb reaction distance.

10.5 Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when  
10.6 the posted speed is 40 to 45 mph. A ten-foot clear ~~recovery area~~ zone measured from the  
10.7 driving lane must be provided when the posted speed exceeds 45 mph.

10.8 For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are  
10.9 required. ~~Additional average daily traffic may be allowed if, unless~~ a capacity analysis  
10.10 demonstrates that a different lane configuration achieves level of service D or better ~~is~~  
10.11 ~~achieved at the higher traffic volume. If the capacity analysis demonstrates that additional~~  
10.12 ~~lanes are required only during peak traffic hours, then each additional driving lane may be~~  
10.13 ~~used as a parking lane during nonpeak hours.~~

10.14 "Level of service" has the meaning given it in the Highway Capacity Manual, Special  
10.15 Report 209, as revised and published by the Transportation Research Board of the National  
10.16 Research Council, Washington, D.C. The definition is incorporated by reference, is not  
10.17 subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr.  
10.18 Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

10.19 For roundabout design, the design criteria of the current edition of the Minnesota  
10.20 State Aid Roundabout Guide are recommended.

10.21 **8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING**  
10.22 **PROJECTS.**

10.23 Subpart 1. **Two-way streets.** In the following design chart, total width is from  
10.24 face-to-face of curbs.

10.25 Reconditioning projects for two-way urban roadways must meet or exceed the  
10.26 minimum dimensions indicated in the chart.

	Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
11.1	2-Lane Collector or Local with ADT < 10000	26	32	38	(b) 9
11.2					
11.3	4-Lane Collector or Local with ADT < 10000	44	52	60	(b) 9
11.4					
11.5	2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	26	32	42	9
11.6					
11.7	4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	44	54	64	9
11.8					
11.9	6-Lane Collectors or Arterials	66	(c)	(c)	9
11.10					

11.11 Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors.

11.12 Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

11.13 (a) Permissible for present traffic volumes less than 15,000 ADT.

11.14 (b) When ADT is less than 5,000, seven tons is allowable.

11.15 (c) No parking is allowed.

11.16 When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

12.1 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
 12.2 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
 12.3 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
 12.4 curb reaction distance.

12.5 For roundabout design, the design criteria of the current edition of the Minnesota  
 12.6 State Aid Roundabout Guide are recommended.

12.7 [For text of subps 2 and 3, see M.R.]

12.8 **8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION**  
 12.9 **ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN**  
 12.10 **NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE**  
 12.11 **PARKS; NEW OR RECONSTRUCTION PROJECTS.**

12.12 Subpart 1. **Type I route.** New or reconstruction projects for type I natural  
 12.13 preservation routes, designated national forest highways within national forests, and  
 12.14 state park access roads within state parks must meet or exceed the minimum dimensions  
 12.15 indicated in the following design chart.

12.16	Surface	Design	Lane	Shoulder	Inslope	Recovery	Design	
12.17	Type	Speed	Width	Width		Area Clear	Strength	Bridge to
12.18		(mph)	(feet)	(feet)	(rise:	Zone	(tons)	Remain
12.19					run)	(feet)		(feet)
12.20								
12.21			(a)	(b)	(c)			(d)
12.22	Aggregate	30	11	1	1:3	3		22
12.23	Paved	30	11	2	1:3	9	9	22

12.24 (a) If the route has scenic vistas that will require parking vehicles along the shoulder,  
 12.25 widening the shoulder at these locations is acceptable. The designer will provide a  
 12.26 four-foot paved shoulder if the route is a popular bicycle route.

13.1 (b) Applies to slope within ~~recovery area~~ the clear zone only. Other design features,  
13.2 such as guardrails or retaining walls, should be considered in particularly sensitive areas  
13.3 in lieu of reconstructing the inslope in accordance with part 8820.4060.

13.4 (c) ~~Obstacle-free area (measured from edge of traffic lane).~~

13.5 Guardrail is required to be installed at all bridges where the design speed exceeds 40  
13.6 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
13.7 of the lane and shoulder widths.

13.8 Mailbox supports must be in accordance with chapter 8818.

13.9 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
13.10 remain in place if the bridge is not deficient structurally or hydraulically.

13.11 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
13.12 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
13.13 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
13.14 bridges is the sum of the lane and shoulder widths plus four feet.

13.15 Ditch depths and widths must be kept to the minimum required to function  
13.16 hydraulically and to provide for adequate snow storage when a standard ditch would  
13.17 negatively impact the surroundings.

13.18 The designer shall specify in the plan and special provisions that the clearing width is  
13.19 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
13.20 contractor for working room is zero unless otherwise required for special conditions.

13.21 Curb and gutter may be used in lieu of a ditch section under the paved option. The  
13.22 lane width, shoulder width, and ~~recovery area~~ clear zone must be maintained.

13.23 For designated national forest highways within national forests, and state park access  
13.24 roads within state parks, this subpart applies only where the projected ADT is less than  
13.25 100, unless the route has been designated as a natural preservation route.

13.26 For roundabout design, the design criteria of the current edition of the Minnesota  
13.27 State Aid Roundabout Guide are recommended.

14.1 Subp. 2. **Type II route.** New or reconstruction projects for type II natural  
 14.2 preservation routes, designated national forest highways within national forests, and  
 14.3 state park access roads within state parks must meet or exceed the minimum dimensions  
 14.4 indicated in the following design chart.

14.5	Surface	Design	Lane	Shoulder	Inslope	Recovery	Design	
14.6	Type	Speed	Width	Width		Area Clear	Strength	Bridge to
14.7						Zone		Remain
14.8		(mph)	(feet)	(feet)	(rise:	(feet)	(tons)	(feet)
14.9					run)			
14.10			(a)	(b)	(c)			(d)
14.11	Aggregate	30	11	2	1:3	9		22
14.12	<u>Paved (e)</u>	<u>30</u>	<u>11</u>	<u>3</u>	<u>1:4</u>	<u>9</u>	<u>9</u>	<u>22</u>
14.13	Paved	40	11	3	1:4	9	9	22

14.14 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
 14.15 bicycle route. If the route has scenic vistas that will require parking vehicles along the  
 14.16 shoulder, widening the shoulder at these locations is acceptable.

14.17 (b) Applies to slope within ~~recovery area~~ clear zone only. Other design features, such  
 14.18 as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu  
 14.19 of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes  
 14.20 must be 1:4 or flatter within the ~~recovery area~~ clear zone when the ADT exceeds 400.

14.21 (c) ~~Obstacle-free area (measured from edge of traffic lane).~~ Guardrail is required to  
 14.22 be installed at all bridges where the design speed exceeds 40 mph, and either the existing  
 14.23 ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

14.24 Mailbox supports must be in accordance with chapter 8818.

14.25 (d) This standard may be applied only when the project is located in a subdivided area.

14.26 (e) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
 14.27 remain in place if the bridge does not qualify for federal-aid bridge funds.

15.1 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
 15.2 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
 15.3 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
 15.4 bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

15.5 Ditch depths and widths must be kept to the minimum required to function  
 15.6 hydraulically, to be traversable if within the ~~recovery area~~ clear zone, and to provide for  
 15.7 adequate snow storage when a standard ditch would negatively impact the surroundings.

15.8 The designer shall specify in the plan and special provisions that the clearing width is  
 15.9 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
 15.10 contractor for working room is zero unless required for special conditions.

15.11 For designated national forest highways within national forests, and state park access  
 15.12 roads within state parks, this subpart may be applied only where the projected ADT is less  
 15.13 than 300, unless the route has been designated as a natural preservation route.

15.14 For roundabout design, the design criteria of the current edition of the Minnesota  
 15.15 State Aid Roundabout Guide are recommended.

15.16 Subp. 3. **Type III route.** New or reconstruction projects for type III natural  
 15.17 preservation routes, designated national forest highways within national forests, and  
 15.18 state park access roads within state parks must meet or exceed the minimum dimensions  
 15.19 indicated in the following design chart.

15.20	Surface	Design	Lane	Shoulder	Inslope	Recovery	Design	
15.21	Type	Speed	Width	Width		Area Clear	Strength	Bridge to
15.22		(mph)	(feet)	(feet)	(rise:	Zone	(tons)	Remain
15.23					run)	(feet)		(feet)
15.24				(a)	(b)	(c)		(d)
15.25								
15.26	Aggregate	30	12	3	1:4	10		24
15.27	Paved (e)	30	12	4	1:4	10	9	24
15.28	Paved	40	12	4	1:4	15	9	24

16.1 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
16.2 bicycle route. If the route has scenic vistas which will require parking vehicles along the  
16.3 shoulder, widening the shoulder at these locations is acceptable.

16.4 (b) Applies to slope within ~~recovery area~~ the clear zone only. Other design features,  
16.5 such as guardrail or retaining walls, should be considered in particularly sensitive areas in  
16.6 lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes  
16.7 must be 1:4 or flatter within the ~~recovery area~~ clear zone when the ADT exceeds 400.

16.8 (c) ~~Obstacle-free area (measured from edge of traffic lane).~~

16.9 Guardrail is required to be installed at all bridges where the design speed exceeds 40  
16.10 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
16.11 of the lane and shoulder widths.

16.12 Mailbox supports must be in accordance with chapter 8818.

16.13 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
16.14 remain in place if the bridge does not qualify for federal-aid bridge funds.

16.15 (e) This standard may be applied only when the project is located in a subdivided  
16.16 area or an area in a detailed development process, and physical restraints are present that  
16.17 prevent reasonable application of another level of these standards.

16.18 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
16.19 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
16.20 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
16.21 bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

16.22 Ditch depths and widths must be kept to the minimum required to function  
16.23 hydraulically, to be traversable if within the ~~recovery area~~ clear zone, and to provide for  
16.24 adequate snow storage when a standard ditch would negatively affect the surroundings.

16.25 The designer shall specify in the plan and special provisions that the clearing width is  
16.26 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
16.27 contractor for working room is zero unless required for special conditions.

17.1 For roundabout design, the design criteria of the current edition of the Minnesota  
17.2 State Aid Roundabout Guide are recommended.

17.3 **8820.9995 MINIMUM BICYCLE PATH STANDARDS.**

17.4 Minimum Bicycle Path Standards<sup>(a)</sup>

17.5 For Off-Road Bike Path Design, the following shall apply:

17.6	Minimum Surface Width (two-way)	8 ft (b)
17.7	Shoulder/Clear Zone	2 ft (c) (d)
17.8	Inslope	<u>Maximum</u> 1:2 (rise:run)
17.9	Design Speed	20 mph (e)
17.10	Vertical Clearance <u>over lane and</u>	<del>10 ft</del> 9 ft-9 in (7 ft-9 in if passage of emergency
17.11	<u>shoulder</u>	or maintenance vehicles is not required)

17.12 (a) For on-road bicycle facilities, the ~~appropriate tables in the Minnesota Bicycle~~  
17.13 ~~Transportation Planning and~~ current Minnesota Department of Transportation bicycle  
17.14 design guidelines are recommended for design purposes.

17.15 (b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required  
17.16 for a one-way bicycle path.

17.17 (c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be  
17.18 carried across bridges and through underpasses. Minimum structure clear width must be  
17.19 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear  
17.20 zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety  
17.21 railing is required at each end of the bridge or underpass. As an alternative to lead-in  
17.22 bicycle safety railing, the surface width of the approach bike path may be narrowed at a  
17.23 1:50 taper while maintaining minimum surface width and shoulder/clear zone through  
17.24 the structure.

17.25 (d) Clear zone is measured from the edge of the bicycle travel lane.

17.26 (e) Use a 30 mph design speed for grades longer than 500 feet and greater than four  
17.27 percent, from the uphill point where the grade equals four percent to 500 feet beyond the

- 18.1 downhill point where the grade becomes less than four percent. The maximum allowable
- 18.2 grade is 8.3 percent.
- 18.3 REPEALER. Minnesota Rules, part 8820.3100, subpart 9a, is repealed.

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards

**AGENCY:** Department of Transportation

**MINNESOTA RULES:** Chapter 8820

The attached rules are approved for  
publication in the State Register

A handwritten signature in cursive script that reads "Karen L. Lenertz".

Karen L. Lenertz  
Assistant Deputy Revisor

# Minnesota Department of Transportation

## Division of State-Aid for Local Transportation

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

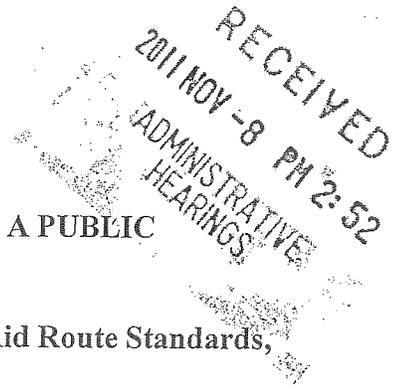
#### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings; *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

**Agency Contact Person.** You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651)366-3801, e-mail: [paul.stine@state.mn.us](mailto:paul.stine@state.mn.us). TTY users may call the Department of Transportation at 1-800-627-3529.

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment, subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under *Minnesota Statutes*, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the State Register. A copy of the proposed expedited rules and a copy of the department justification



memorandum, which further explains the proposed rule amendments, may also be viewed at <http://www.dot.state.mn.us/stateaid/>

**Comments.** You have until 4:30 p.m. on Wednesday, September 28, 2011, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

**Modifications.** The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption and Review of Expedited Rules.** The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

August 12, 2011

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation

## Exempt Rules

### 7001.0090 REVIEW OF PERMIT APPLICATIONS.

The commissioner shall review all permit applications for completeness. If the commissioner finds that the application is incomplete or otherwise deficient, the commissioner shall promptly advise the applicant in writing of the incompleteness or deficiency. The commissioner shall suspend further processing of the portion of the application affected by the deficiency until the applicant has supplied the necessary information or otherwise corrected the deficiency notify the project proposer as required under Minnesota Statutes, section 116.03, subdivision 2b, paragraph (d).

### 7001.1050 CONTENTS OF NPDES PERMIT APPLICATION.

*[For text of subp 1, see M.R.]*

Subp. 2. **Manufacturing, commercial, mining, and silvicultural discharges.** If the applicant is requesting the issuance, modification, revocation and reissuance, or reissuance of a national pollutant discharge elimination system permit for a manufacturing, commercial, mining, or silvicultural discharge, the applicant shall submit the following information to the commissioner:

*[For text of items A to M, see M.R.]*

N. If the applicant wishes to request that the commissioner, in establishing a technology-based effluent limitation to be included in the conditions of the permit, establish an effluent limitation which is different than the effluent limitation which would result from the normal application of the relevant effluent limitation guideline, then the applicant shall submit, ~~either in the application or in a supplement to the application filed no later than the last day of the comment period established in part 7001.0100, subpart 4,~~ the following information:

*[For text of subitems (1) to (5), see M.R.]*

*[For text of item O, see M.R.]*

## Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Transportation (Mn/DOT)

### Division of State-Aid for Local Transportation

### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

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## Expedited Rules

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Dated: August 12, 2011

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation

# Expedited Rules

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## 8820.0100 DEFINITIONS.

[For text of subps 1 to 2f. see M.R.]

Subp. 3. **City engineer.** "City engineer" means a registered licensed professional engineer employed as the city engineer or the director of public works, city engineer of each urban municipality.

[For text of subps 3a and 3b. see M.R.]

Subp. 3c. **Clear zone.** "Clear zone" is the distance measured from the edge of the outside through-traffic lane, which must be free of fixed objects and meet or exceed the minimum in-slope dimensions indicated in the design charts of this chapter.

[For text of subps 4 and 4a. see M.R.]

Subp. 5. **County highway engineer.** "County highway engineer" means a registered licensed professional engineer employed as the county highway engineer, county engineer, or the director of public works, county engineer of each county.

[For text of subps 6 to 13a. see M.R.]

Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Reconditioning may include curb replacement along no more than 20 percent of the length of the project, not including curb replacement for purposes of the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101 et seq. Work does not normally extend beyond the existing ditch bottom.

[For text of subps 13c to 22. see M.R.]

## 8820.1500 CONSTRUCTION FUNDS.

Subpart 1. [Repealed by amendment, 8 SR 2146]

Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to the execution of a contract that includes a requirement for bond, and a payment request, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt of a signed supplemental agreement, including by means of an electronic signature, for a major addition to the contract, or appraised values for additional right-of-way costs, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the supplemental agreement or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon proof of acquisition and availability of funds, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer.

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available any remaining money due to the state-aid portion of the contract.

[For text of subps 3 to 12. see M.R.]

## 8820.2500 MINIMUM STATE-AID STANDARDS.

[For text of subps 1 to 2. see M.R.]

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be at least 60 feet within cities and 66 feet in rural areas, except that the right-of-way may be less for routes that are within a city, that were constructed before November 13, 1995, and that can be reconstructed to new construction standards within the previously existing right-of-way. Before construction, the governing body shall acquire control of the additional widths of right-of-way as may be necessary to properly maintain the ditch section, drainage structures, and the recovery area clear zone. Permanent easements for highway purposes are considered to be right-of-way for the purposes of this subpart.

[For text of subp 4. see M.R.]

## 8820.3100 GENERAL STATE-AID LIMITATIONS.

[For text of subp 1. see M.R.]

# Expedited Rules

Subp. 2. **Lighting hazardous areas.** The cost of roadway and bridge lighting of locations at which accidents are likely to occur or are otherwise hazardous is an eligible expense if that lighting:

[For text of items A and B, see M.R.]

[For text of subs 3 to 9, see M.R.]

Subp. 9a. [See repealer.]

[For text of subp 10, see M.R.]

## 8820.3200 LOCAL ROAD RESEARCH BOARD.

Subpart 1. **Appointment.** The commissioner shall appoint a local road research board consisting of the following members:

[For text of items A and B, see M.R.]

C. two Department of Transportation staff engineers, one of whom must be the department's state-aid engineer;

[For text of items D and E, see M.R.]

Subp. 2. **Terms.** Appointments of county highway and city engineers, except for unexpired terms, are for ~~three~~ four years. The other members shall serve at the will of the commissioner.

[For text of subp 3, see M.R.]

## 8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Projected ADT (b) (a)	Lane Width	Shoulder Width (g)	In-slope (c) (b)	Recovery Area (d) Clear Zone (c)	Design Speed (e) (d)	Surfacing	Structural Design Strength (h)	Bridges to Remain (f) (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
<u>150-299</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>15</u>	<u>40-60</u>	<u>Agg./Paved</u>	<u>7-ton/10-ton</u>	<u>28</u>
<del>150</del> <u>300-749</u>	12	4	1:4	15	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
750-1499	12	4	1:4	25	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
1500 and over	12	<del>6(g)</del> <u>6(f)</u>	1:4	30	40-60	Paved	10	30

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ten tons structural design and minimum 40 mph design speed.

# Expedited Rules

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~~(b)~~ (a) Use the existing traffic for highways not on the state-aid system.

~~(c)~~ (b) Applies to slope within recovery area the clear zone only.

~~(d)~~ Obstacle-free area (measured from edge of traffic lane); ~~(c)~~ Culverts with less than 30-inch vertical height allowed without protection in the recovery area clear zone.

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

For roadways in suburban areas as defined in part 8820.0100, the recovery area clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or less, the recovery area clear zone may be reduced to a width of ten feet.

~~(c)~~ (d) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

~~(f)~~ (e) Inventory rating of H 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~(g)~~ (f) Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected, at least two feet of which must be paved.

~~(h)~~ Phased projects must be constructed to attain design strength within three years of completion of final grading. In suburban areas, the minimum structural design strength is nine tons or ten tons as needed for system continuity.

~~(g)~~ Except within municipal corporate limits, ten-ton staged structural design must be able to carry ten-ton axle loads except during spring load-restriction periods, or year-round if needed for system continuity. Roadbed width must accommodate ultimate ten-ton pavement overlay thickness and ultimate 1:4 side-slope. Within municipal corporate limits, minimum structural design must support nine-ton axle strength.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be no less than either the minimum required lane plus shoulder ~~width widths~~ or the proposed lane plus shoulder ~~width widths~~, whichever is greater, but in no case less than the minimum lane widths plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## 8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.

New bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system must meet or exceed the minimum dimensions indicated in the following design chart.

## Expedited Rules

Existing ADT (a)	Lane Width (feet)	Shoulder Width (feet)	Inslope (b) (rise: run)	Recovery Area Clear Zone (c) (feet)	Design Speed (e)(d) (mph)
0-49	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	12	4	1:4	<del>15(d)</del> 15(e)	30-60

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For existing ADT greater than 400, part 8820.9920 standards apply.

(b) Applies to slope within ~~recovery area~~ the clear zone only.

(c) ~~Obstacle-free area (measured from edge of traffic lane):~~ Culverts with less than 30-inch vertical height allowed without protection in the ~~recovery area~~ clear zone.

(d) Subject to terrain.

(e) For roadways in suburban areas, the ~~recovery area~~ clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 miles per hour or less, the ~~recovery area~~ clear zone may be reduced to a width of ten feet.

~~(e) Subject to terrain:~~

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane width plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

Bridge structures of minimum 20-foot clear width may be constructed where existing ADT is less than 50, potential for increasing ADT is low, and the local government agency finds that the bridge width can operate effectively at that width for the expected life of the bridge.

### 8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed mph	Lane Width (a) feet	Curb Reaction Distance (e) feet	Parking Lane Width feet
Collectors or Locals with ADT < 10000	30-40	(b) 11	2	8
Collectors or Locals with ADT ≥ 10000 and Arterials	over 40	12	2	10
	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

# Expedited Rules

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Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

- (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 mph.
- (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.
- (c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.
- (d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.
- (e) Curb reaction must be provided only where parking is not provided.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must be a minimum nine tons structural axle load design, or ten tons if needed for system continuity. Phased projects must be constructed to attain design strength within three years of completion of final grading.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45 mph. A ten-foot clear recovery area zone measured from the driving lane must be provided when the posted speed exceeds 45 mph.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required. ~~Additional average daily traffic may be allowed if, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.~~

“Level of service” has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## 8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

## Expedited Rules

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
	(feet)	(feet)	(feet)	(tons)
2-Lane Collector or Local with ADT < 10000	26	32	38	(b) 9
4-Lane Collector or Local with ADT < 10000	44	52	60	(b) 9
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	26	32	42	9
4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	44	54	64	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, seven tons is allowable.

(c) No parking is allowed.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

[For text of subps 2 and 3, see M.R.]

### 8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

# Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise:run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	9	9	22

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a four-foot paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within recovery area the clear zone only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) ~~Obstacle-free area (measured from edge of traffic lane):~~

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths plus four feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area clear zone must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

## Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise:run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	11	2	1:3	9		22
<u>Paved (e)</u>	<u>30</u>	<u>11</u>	<u>3</u>	<u>1:4</u>	<u>9</u>	<u>9</u>	<u>22</u>
Paved	40	11	3	1:4	9	9	22

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area clear zone when the ADT exceeds 400.

(c) ~~Obstacle-free area (measured from edge of traffic lane):~~ Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) This standard may be applied only when the project is located in a subdivided area.

(e) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area clear zone, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

# Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise:run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	12	3	1:4	10		24
<u>Paved (e)</u>	<u>30</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>10</u>	<u>9</u>	<u>24</u>
Paved	40	12	4	1:4	15	9	24

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within ~~recovery area~~ the clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the ~~recovery area~~ clear zone when the ADT exceeds 400.

(c) ~~Obstacle-free area (measured from edge of traffic lane):~~

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the ~~recovery area~~ clear zone, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## 8820.9995 MINIMUM BICYCLE PATH STANDARDS.

Minimum Bicycle Path Standards<sup>(a)</sup>

For Off-Road Bike Path Design, the following shall apply:

Minimum Surface Width (two-way)	8 ft (b)
Shoulder/Clear Zone	2 ft (c) (d)
Inslope	<u>Maximum 1:2</u> (rise:run)

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## Expedited Rules

Design Speed	20 mph (e)
Vertical Clearance <u>over lane and shoulder</u>	<del>10 ft</del> 9 ft-9 in (7 ft-9 in if passage of emergency or maintenance vehicles is not required)

(a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and current Minnesota Department of Transportation bicycle design guidelines are recommended for design purposes.

(b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required for a one-way bicycle path.

(c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be carried across bridges and through underpasses. Minimum structure clear width must be 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach bike path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.

(d) Clear zone is measured from the edge of the bicycle travel lane.

(e) Use a 30 mph design speed for grades longer than 500 feet and greater than four percent, from the uphill point where the grade equals four percent to 500 feet beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

**REPEALER.** Minnesota Rules, part 8820.3100, subpart 9a, is repealed.

## Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order 11-24: Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, including *Minnesota Statutes*, chapter 12 and section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, the recent spring flooding, the extremely hot weather, and disruptions in refinery production in Minnesota and other states have caused a disruption in the normal supply of gasoline and diesel fuels in Minnesota; and

Minnesota Department of Transportation

**CERTIFICATE OF MAILING THE NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING TO THE RULEMAKING MAILING LIST**

**Proposed Expedited Rules Relating to Local State-Aid Route Standards, Minnesota Rules, 8820**

I certify that on August 22, 2011, at least 33 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I mailed the Notice of Intent to Adopt Expedited Rules by depositing a copy in the State of Minnesota's central mail system for to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a. Copies of the Notice and of the mailing list are attached to this Certificate.

  
\_\_\_\_\_  
Laura Nehl-Trueman  
MnDOT Rule Coordinator

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ADMINISTRATIVE  
HEARINGS

# Minnesota Department of Transportation

## Division of State-Aid for Local Transportation

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

**Agency Contact Person.** You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651)366-3801, e-mail: [paul.stine@state.mn.us](mailto:paul.stine@state.mn.us) . TTY users may call the Department of Transportation at 1-800-627-3529. .

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment, subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under Minnesota Statutes, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the State Register. A copy of the proposed expedited rules and a copy of the department justification

Izaak Walton League of AM  
555 Park Street, Suite 140  
St. Paul, MN 55103-2110

MnDOT  
Daniel Anderson  
3725 12th Street North  
St. Cloud, MN 56303-2103

FHWA  
Tim Anderson  
380 Jackson Street, Suite 500  
St. Paul, MN 55101

SW Regional Development Commission  
Annette Bair  
2401 Broadway Avenue  
Slayton, MN 56172-1338

MnDOT - Land Management  
Bob S. Brown  
MS 630  
St. Paul, MN 55155-3174

Minnesota Government Report  
Jean L. Dawson  
B12 Capitol Building  
St. Paul, MN 55155-0001

City of St. Cloud  
Stephen Gaetz  
400 Second Street South  
St. Cloud, MN 56301-3699

County of Carver  
Roger M. Gustafson  
11360 Highway 212 West, Suite 1  
Cologne, MN 55322-8016

MnDOT - Office of Commissioner  
Tracy Hatch  
MS 140  
St. Paul, MN 55155

Minnesota Trucking Association  
John K. Hausladen  
2515 Wabash Avenue, Suite 150  
St. Paul, MN 55114-1020

Minnesota Forest Industries  
Ray Higgins  
324 Superior Street West, Suite 903  
Brainerd, MN 56401

MnDOT  
Jon A. Huseby  
2505 Transportation Road  
Willmar, MN 56201

MnDOT  
Darlene Hynding  
100 Trunk Highway 10 West  
Detroit Lakes, MN 56501-2205

MnDOT - Office of Civil Rights  
Mary Prescott  
MS 170  
St. Paul, MN 55155-1899

Hanson Silo Co., Limited Partnership  
Steven B. Johnson  
11587 County Road 8 SE  
Lake Lillian, MN 56253

MnDOT - Transportation Ombudsman  
Debra Ledvina  
MS 110  
St. Paul, MN 55155

City of Anoka  
Craig Lee  
2015 First Avenue  
Anoka, MN 55303-2245

City of Brooklyn Center  
Steve Lillehaug  
6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430

City of Eagan  
Russ Matthys  
3830 Pilot Knob Road  
Eagan, MN 55122-1810

City of Pine River  
Wanda M. Mongan  
PO Box 87  
Pine River, MN 56474-0087

City of Chanhassen  
Paul Oehme  
PO Box 147  
Chanhassen, MN 55317-9683

MnDOT - Environmental Stewardship  
Frank Pafko  
MS 620  
St. Paul, MN 55155

City of Burnsville  
Bud Osmundson  
100 Civic Center Parkway  
Burnsville, MN 55337-3817

FMCSA  
Daniel Drexler D.P.  
380 Jackson Street  
St. Paul, MN 55101-2904

City of Bloomington  
Shelly Pederson  
1700 W 98th Street  
Bloomington, MN 55431-3027

MnDOT - Innovative Construction  
Tom Ravn  
MS 650  
St. Paul, MN 55155

Office of Administrative Hearings  
Sam Ruhle  
PO Box 64620  
St. Paul, MN 55164-0620

Laidlaw Education Services  
Troy Schreifels  
11911 Champlin Drive  
Champlin, MN 55316

Laidlaw Education Services  
Kurt A. Schumann  
7225 Winnetka Avenue North  
Brooklyn Park, MN 55428

MnDOT  
Sue Staebell  
2505 Transportation Road  
Willmar, MN 56201

Otter Tail Power Company  
Dean Swanson  
201 South Sherman  
Fergus Falls, MN 56238-0496

MMCA  
Gary Thaden  
766 Transfer Road  
St. Paul, MN 55114-1404

County of Washington  
Don J. Theisen  
11660 Myeron Road North  
Stillwater, MN 55082-2411

City of Maplewood  
Michael Thompson, City Engineer  
1902 County Road B East  
Maplewood, MN 55109-2702

Legislative Coordinator - CMSN  
Chad Thuet  
51 State Office Building  
St. Paul, MN 55155

Rubenstein Logistics Service  
Bruce D. Hocum  
6960 Madison Avenue West  
Golden Valley, MN 55427

City of Brainerd  
Jeff Hulsether  
City Hall  
Brainerd, MN 56401

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Association of Transportation Consultant, Inc.  
Howard S. Markus  
840 Hampden Ave., Suite 207  
St. Paul, MN 55114-1225

Minnesota Department of Transportation

CERTIFICATE OF ACCURACY OF THE MAILING LIST

Proposed Rules Relating to Local State-Aid Route Standards, Minnesota Rules 8820

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HEARINGS

I certify that the list of persons and associations who have requested that their names be placed on the Department of Transportation rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of August 22, 2011. A copy of the mailing list is attached to this Certificate.

  
\_\_\_\_\_  
Laura Nehl-Trueman  
MnDOT Rule Coordinator

Izaak Walton League of AM  
555 Park Street, Suite 140  
St. Paul, MN 55103-2110

MnDOT  
Daniel Anderson  
3725 12th Street North  
St. Cloud, MN 56303-2103

FHWA  
Tim Anderson  
380 Jackson Street, Suite 500  
St. Paul, MN 55101

SW Regional Development Commission  
Annette Bair  
2401 Broadway Avenue  
Slayton, MN 56172-1338

MnDOT - Land Management  
Bob S. Brown  
MS 630  
St. Paul, MN 55155-3174

Minnesota Government Report  
Jean L. Dawson  
B12 Capitol Building  
St. Paul, MN 55155-0001

City of St. Cloud  
Stephen Gaetz  
400 Second Street South  
St. Cloud, MN 56301-3699

County of Carver  
Roger M. Gustafson  
11360 Highway 212 West, Suite 1  
Cologne, MN 55322-8016

MnDOT - Office of Commissioner  
Tracy Hatch  
MS 140  
St. Paul, MN 55155

Minnesota Trucking Association  
John K. Hausladen  
2515 Wabash Avenue, Suite 150  
St. Paul, MN 55114-1020

Minnesota Forest Industries  
Ray Higgins  
324 Superior Street West, Suite 903  
Brainerd, MN 56401

MnDOT  
Jon A. Huseby  
2505 Transportation Road  
Willmar, MN 56201

MnDOT  
Darlene Hynding  
100 Trunk Highway 10 West  
Detroit Lakes, MN 56501-2205

MnDOT - Office of Civil Rights  
Mary Prescott  
MS 170  
St. Paul, MN 55155-1899

Hanson Silo Co., Limited Partnership  
Steven B. Johnson  
11587 County Road 8 SE  
Lake Lillian, MN 56253

MnDOT - Transportation Ombudsman  
Debra Ledvina  
MS 110  
St. Paul, MN 55155

City of Anoka  
Craig Lee  
2015 First Avenue  
Anoka, MN 55303-2245

City of Brooklyn Center  
Steve Lillehaug  
6301 Shingle Creek Parkway  
Brooklyn Center, MN 55430

City of Eagan  
Russ Matthys  
3830 Pilot Knob Road  
Eagan, MN 55122-1810

City of Pine River  
Wanda M. Mongan  
PO Box 87  
Pine River, MN 56474-0087

City of Chanhassen  
Paul Oehme  
PO Box 147  
Chanhassen, MN 55317-9683

MnDOT - Environmental Stewardship  
Frank Pafko  
MS 620  
St. Paul, MN 55155

City of Burnsville  
Bud Osmundson  
100 Civic Center Parkway  
Burnsville, MN 55337-3817

FMCSA  
Daniel Drexler D.P.  
380 Jackson Street  
St. Paul, MN 55101-2904

City of Bloomington  
Shelly Pederson  
1700 W 98th Street  
Bloomington, MN 55431-3027

MnDOT - Innovative Construction  
Tom Ravn  
MS 650  
St. Paul, MN 55155

Office of Administrative Hearings  
Sam Ruhle  
PO Box 64620  
St. Paul, MN 55164-0620

Laidlaw Education Services  
Troy Schreifels  
11911 Champlin Drive  
Champlin, MN 55316

Laidlaw Education Services  
Kurt A. Schumann  
7225 Winnetka Avenue North  
Brooklyn Park, MN 55428

MnDOT  
Sue Staebell  
2505 Transportation Road  
Willmar, MN 56201

Otter Tail Power Company  
Dean Swanson  
201 South Sherman  
Fergus Falls, MN 56238-0496

MMCA  
Gary Thaden  
766 Transfer Road  
St. Paul, MN 55114-1404

County of Washington  
Don J. Theisen  
11660 Myeron Road North  
Stillwater, MN 55082-2411

City of Maplewood  
Michael Thompson, City Engineer  
1902 County Road B East  
Maplewood, MN 55109-2702

Legislative Coordinator - CMSN  
Chad Thuet  
51 State Office Building  
St. Paul, MN 55155

Rubenstein Logistics Service  
Bruce D. Hocum  
6960 Madison Avenue West  
Golden Valley, MN 55427

City of Brainerd  
Jeff Hulsether  
City Hall  
Brainerd, MN 56401

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Association of Transportation Consultant, Inc.  
Howard S. Markus  
840 Hampden Ave., Suite 207  
St. Paul, MN 55114-1225

Minnesota Department of Transportation

**CERTIFICATE OF GIVING ADDITIONAL NOTICE**

**Proposed Expedited Rules Relating to Local State-Aid Route Standards, Minnesota Rules, 8820**

RECEIVED  
2011 NOV -8 PM 2:53  
ADMINISTRATIVE  
HEARINGS

I certify that on August 22, 2011, at least 33 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, the Notice of Intent to Adopt Expedited Rules was sent to all persons and associations on the attached lists by sending an electronic copy via e-mail. Copies of both the Notice of Intent to Adopt and the mailing lists are attached to this Certificate.



Laura Nehl-Trueman  
MnDOT Rule Coordinator

**Nehi-Trueman, Laura (DOT)**

---

**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:24 PM  
**To:** Nehi-Trueman, Laura (DOT)  
**Subject:** FW: Notice of Proposed Rule Making  
**Attachments:** State Aid-2011 Notice of Intent to Adopt.docx; ATT00001..txt

fyi

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**From:** [ceam-bounces@lists.state.mn.us](mailto:ceam-bounces@lists.state.mn.us) [<mailto:ceam-bounces@lists.state.mn.us>] **On Behalf Of** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:23 PM  
**To:** [ceam@lists.state.mn.us](mailto:ceam@lists.state.mn.us)  
**Subject:** [Ceam] Notice of Proposed Rule Making

Dear City and County Engineers, Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

# City Engineers Association of Minnesota

list of members of ceam

adamna@bolton-menk.com  
andy.brotzler@ci.rosemount.mn.us  
banderso@yaggy.com  
bangerman@whks.com  
bdefrang@cityhall.luminet.net  
bloney@ci.shakopee.mn.us  
bmoberg@ci.plymouth.mn.us  
bmonk@chaska.net  
bob.zimmerman@ci.moorhead.mn.us  
bolson@ci.ramsey.mn.us  
bradde@bolton-menk.com  
brian.miller@bdmce.com  
brian@ci.oakdale.mn.us  
brianma@bolton-menk.com  
bruce.westby@ci.monticello.mn.us  
bryan.benjamin@bonestroo.com  
bweiss@wsbeng.com  
bwells@ci.orono.mn.us  
carltonmoore@cityofmound.com  
ccavett@sehinc.com  
chuck.ahl@ci.maplewood.mn.us  
cindy.dorniden@ci.rosemount.mn.us  
cityengnr@ci.waseca.mn.us  
clair.hanson@ci.moorhead.mn.us  
cmanson@cityofapplevalley.org  
craig.gray@ci.bemidji.mn.us  
craigj@hakanson-anderson.com  
cvoigt@duluthmn.gov  
d.haffield@ci.worthington.mn.us  
dan.edwards@ci.fergus-falls.mn.us  
dan.erickson@state.mn.us  
danfa@bolton-menk.com  
daniell.ural@zeusmail.org  
dave.kildahl@wsn.us.com  
dberkowitz@ci.andover.mn.us  
dbetts@sehinc.com  
deb.bloom@ci.roseville.mn.us  
dellingson@mfra.com  
dgilyard@sehinc.com  
dhankee@wsbeng.com  
djessup@ci.woodbury.mn.us  
don.anderson@wsn.us.com  
don.elwood@ci.minneapolis.mn.us

douglas.haeder@state.mn.us  
dparrott@sehinc.com  
dsalo@saloeng.com  
dstrauss@yaggy.com  
duane.schwartz@ci.roseville.mn.us  
eric@bm-eng.com  
eshukle@ci.jordan.mn.us  
garys@ci.international-falls.mn.us  
gatlin@ci.coon-rapids.mn.us  
gboppre@fscps.com  
geheren.cl@tkda.com  
glee@ci.anoka.mn.us  
glenn.olson@marshallmn.com  
grant.wyffels@newbrightonmn.gov  
greg.coughlin@state.mn.us  
greg.lee@ci.mounds-view.mn.us  
gregory.kern@state.mn.us  
info@rbengr.com  
jack.griffin@tkda.com  
jaredvo@bolton-menk.com  
jason.quisberg@bonestroo.com  
jay.owens@ci.red-wing.mn.us  
jbennig@ci.duluth.mn.us  
jbourdon@bonestroo.com  
jbradford@hopkinsmn.com  
jbriol@ci.savage.mn.us  
jcaven@ci.hastings.mn.us  
jdoering@ci.redwood-falls.mn.us  
jeff.kuhn@wsn.us.com  
jeffdo@bolton-menk.com  
jeffj@ci.owatonna.mn.us  
jeremy.mathiasen@bonestroo.com  
jerichson@ci.austin.mn.us  
jfemrite@ci.elk-river.mn.us  
jhulsether@ci.brainerd.mn.us  
jjohnson@ci.chisholm.mn.us  
jjohnson@city.mankato.mn.us  
jkeely@ci.blaine.mn.us  
jkennedy@wsbeng.com  
jkoenen@wsbeng.com  
jlandini@ci.shorewood.mn.us  
jlaw@ci.andover.mn.us  
jlevitt@cottage-grove.org  
joan.peters@state.mn.us  
jody.bertrand@ci.moorhead.mn.us  
joedu@bolton-menk.com  
joep@hakanson-anderson.com  
john.maczko@ci.stpaul.mn.us  
john.sachi@southstpaul.org  
johnrm@mendota-heights.com  
joliver@ci.golden-valley.mn.us  
jon.pratt@ultieg.com  
jonri@bolton-menk.com  
joseph.macpherson@state.mn.us  
jpowell@ci.savage.mn.us  
jprusak@ci.cloquet.mn.us  
jrhein@bonestroo.com

jrodeberg@sehinc.com  
jstory@ci.hibbing.mn.us  
jstudenski@ci.lino-lakes.mn.us  
julee.puffer@state.mn.us  
julie.skallman@state.mn.us  
jweyandt@ci.shakopee.mn.us  
kasher@cityofrichfield.org  
kashfeld@ci.maple-grove.mn.us  
katy.gehler-hess@ci.northfield.mn.us  
keckles@ci.woodbury.mn.us  
kelvin.howieson@state.mn.us  
kevin.hansen@ci.columbia-heights.mn.us  
kevin.larson@brooklynpark.org  
kevin.muellerleile@aecom.com  
kevinbi@bolton-menk.com  
kexner@ci.hutchinson.mn.us  
kmuetzl@ci.redwood-falls.mn.us  
knelson@ci.lakeville.mn.us  
knelson@ci.winona.mn.us  
koslucharj@ci.fridley.mn.us  
kregsc@bolton-menk.com  
kristine.giga@ci.roseville.mn.us  
kschorzman@ci.farmington.mn.us  
ktorve@wenck.com  
lelfering@elferingeng.com  
lgustafson@ci.minnetonka.mn.us  
llinton@ci.ramsey.mn.us  
lpoppler@cityofpriorlake.com  
luane.tasa@dot.state.mn.us  
markka@bolton-menk.com  
marshall.johnston@state.mn.us  
maryann.hillyer@state.mn.us  
matt.saam@ci.west-saint-paul.mn.us  
mborseth@citytrf.net  
mburch@whitebearlake.org  
mculver@ci.maple-grove.mn.us  
meastling@ci.richfield.mn.us  
mel.odens@state.mn.us  
merichson@wsbeng.com  
merle.earley@state.mn.us  
merry.daher@state.mn.us  
mgraham@cityvadnaisheights.com  
mhanson@bonestroo.com  
michael.p.kowski@state.mn.us  
michael.thompson@ci.maplewood.mn.us  
mick.cyert@ci.crystal.mn.us  
mmaloney@ci.shoreview.mn.us  
mmccarty@city.mankato.mn.us  
morgan.dawley@ci.rosemount.mn.us  
mrardin@stlouispark.org  
nancy.stone@state.mn.us  
neil.britton@wsn.us.com  
nick.debar@ci.mounds-view.mn.us  
nickegger@ci.hastings.mn.us  
ottesonl@ci.fridley.mn.us  
patti.loken@state.mn.us  
paul.kurtz@ci.stpaul.mn.us

paul.stine@state.mn.us  
poehme@ci.chanhassen.mn.us  
pwillenbring@wsbeng.com  
rbeckwith@ci.plymouth.mn.us  
rfreese@rochester.mn.gov  
rich.clauson@wsn.us.com  
rick.kjonaas@state.mn.us  
rmatthys@cityofeagan.com  
rmccoy@ci.robbinsdale.mn.us  
ron.gregg@co.cottonwood.mn.us  
ron.rosenthal@ci.red-wing.mn.us  
ronald.bumann@state.mn.us  
ronw@hakanson-anderson.com  
rrue@edenprairie.org  
rsabart@sehinc.com  
rsanders@co.polk.mn.us  
rseifert@mfra.com  
ruth.cordes@state.mn.us  
rverkinnes@ci.robbinsdale.mn.us  
rwest@co.otter-tail.mn.us  
ryan.peterson@ci.burnsville.mn.us  
salbrecht@cityofpriorlake.com  
saltirhelp.dot@state.mn.us  
sbot@ci.st-michael.mn.us  
sbrink@stlouispark.org  
sjahnke@city.albertlea.org  
slillehaug@ci.brooklyn-center.mn.us  
spederson@ci.bloomington.mn.us  
ssanders@ci.stillwater.mn.us  
steve.koehler@ci.new-ulm.mn.us  
steven.foss@ci.stcloud.mn.us  
steven.kirsch@state.mn.us  
steven.kotke@ci.minneapolis.mn.us  
sthureen@ci.inver-grove-heights.mn.us  
stu.peterson@state.mn.us  
tblank@sehinc.com  
tcolbert@cityofeagan.com  
tcollins@rfcengineering.com  
terry.maurer@ci.arden-hills.mn.us  
terryma@bolton-menk.com  
thaas@ci.andover.mn.us  
thanson@ci.champlin.mn.us  
thimmer@ci.ramsey.mn.us  
thubmer@wsbeng.com  
tim.schoonhoven@wsn.us.com  
timlo@bolton-menk.com  
tkaldunski@invergroveheights.org  
tkellogg@bonestroo.com  
tmurray@ci.faribault.mn.us  
tnemmers@fairmont.org  
tom.mathisen@ci.crystal.mn.us  
tom.trowbridge@ci.moorhead.mn.us  
tpagel@ci.grand-rapids.mn.us  
trevorw@ci.baxter.mn.us  
twotzka@sehinc.com  
vierzba@ci.coon-rapids.mn.us  
vvandertop@wenck.com

walter.leu@state.mn.us  
whoule@ci.edina.mn.us  
mdawley@wsbeng.com  
ryanr@mendota-heights.com

# Minnesota Department of Transportation

## Division of State-Aid for Local Transportation

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

**Agency Contact Person.** You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651)366-3801, e-mail: [paul.stine@state.mn.us](mailto:paul.stine@state.mn.us) . TTY users may call the Department of Transportation at 1-800-627-3529. .

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment, subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under Minnesota Statutes, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the State Register. A copy of the proposed expedited rules and a copy of the department justification

memorandum, which further explains the proposed rule amendments, may also be viewed at <http://www.dot.state.mn.us/stateaid/>

**Comments.** You have until 4:30 p.m. on Wednesday, September 28, 2011, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

**Modifications.** The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption and Review of Expedited Rules.** The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

August 12, 2011

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation

**Nehl-Trueman, Laura (DOT)**

---

**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:24 PM  
**To:** Nehl-Trueman, Laura (DOT)  
**Subject:** FW: Notice of Proposed Rule Making  
**Attachments:** State Aid-2011 Notice of Intent to Adopt.docx; ATT00001..txt

fyi

---

**From:** [mcea-bounces@lists.state.mn.us](mailto:mcea-bounces@lists.state.mn.us) [<mailto:mcea-bounces@lists.state.mn.us>] **On Behalf Of** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:23 PM  
**To:** [mcea@lists.state.mn.us](mailto:mcea@lists.state.mn.us)  
**Subject:** [Mcea] Notice of Proposed Rule Making

Dear City and County Engineers, Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

# Minnesota Department of Transportation

## Division of State-Aid for Local Transportation

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

**Agency Contact Person.** You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651)366-3801, e-mail: [paul.stine@state.mn.us](mailto:paul.stine@state.mn.us) . TTY users may call the Department of Transportation at 1-800-627-3529. .

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment, subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under *Minnesota Statutes*, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the State Register. A copy of the proposed expedited rules and a copy of the department justification

memorandum, which further explains the proposed rule amendments, may also be viewed at <http://www.dot.state.mn.us/stateaid/>

**Comments.** You have until 4:30 p.m. on Wednesday, September 28, 2011, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

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**Adoption and Review of Expedited Rules.** The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

August 12, 2011

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation

# Minnesota County Engineers Association

list of members of mcea

[abenson@co.steele.mn.us](mailto:abenson@co.steele.mn.us)  
[al.goodman@co.lake.mn.us](mailto:al.goodman@co.lake.mn.us)  
[alan.forsberg@co.blue-earth.mn.us](mailto:alan.forsberg@co.blue-earth.mn.us)  
[andrew.sander@co.swift.mn.us](mailto:andrew.sander@co.swift.mn.us)  
[andrew.witter@co.anoka.mn.us](mailto:andrew.witter@co.anoka.mn.us)  
[andy.sander@co.yellow-medicine.mn.us](mailto:andy.sander@co.yellow-medicine.mn.us)  
[anita.benson@co.steel.mn.us](mailto:anita.benson@co.steel.mn.us)  
[bcwentz@co.becker.mn.us](mailto:bcwentz@co.becker.mn.us)  
[bieniek.kaye@co.olmsted.mn.us](mailto:bieniek.kaye@co.olmsted.mn.us)  
[bketring@co.roseau.mn.us](mailto:bketring@co.roseau.mn.us)  
[bob.kozel@co.benton.mn.us](mailto:bob.kozel@co.benton.mn.us)  
[bolson@ci.ramsey.mn.us](mailto:bolson@ci.ramsey.mn.us)  
[brettb@co.sibley.mn.us](mailto:brettb@co.sibley.mn.us)  
[brian.noetzelman@co.pope.mn.us](mailto:brian.noetzelman@co.pope.mn.us)  
[brian.pogodzinski@co.houston.mn.us](mailto:brian.pogodzinski@co.houston.mn.us)  
[brian.sorenson@co.dakota.mn.us](mailto:brian.sorenson@co.dakota.mn.us)  
[briangiese@co.stevens.mn.us](mailto:briangiese@co.stevens.mn.us)  
[bruce.cochran@co.mille-lacs.mn.us](mailto:bruce.cochran@co.mille-lacs.mn.us)  
[bruce.hasbargen@co.beltrami.mn.us](mailto:bruce.hasbargen@co.beltrami.mn.us)  
[bweckman@co.carver.mn.us](mailto:bweckman@co.carver.mn.us)  
[cgrotte@co.ottertail.mn.us](mailto:cgrotte@co.ottertail.mn.us)  
[chad.hausmann@co.mcleod.mn.us](mailto:chad.hausmann@co.mcleod.mn.us)  
[charles.cadenhead@co.anoka.mn.us](mailto:charles.cadenhead@co.anoka.mn.us)  
[ckleven@aol.com](mailto:ckleven@aol.com)  
[curt.kobilarcsik@co.anoka.mn.us](mailto:curt.kobilarcsik@co.anoka.mn.us)  
[dan.sauve@co.clearwater.mn.us](mailto:dan.sauve@co.clearwater.mn.us)  
[darinn@co.sibley.mn.us](mailto:darinn@co.sibley.mn.us)  
[dave.christy@co.itasca.mn.us](mailto:dave.christy@co.itasca.mn.us)  
[dave.enblom@co.cass.mn.us](mailto:dave.enblom@co.cass.mn.us)  
[dave.robley@mail.co.douglas.mn.us](mailto:dave.robley@mail.co.douglas.mn.us)  
[david.betts@co.cook.mn.us](mailto:david.betts@co.cook.mn.us)  
[david.halbersma@co.pipestone.mn.us](mailto:david.halbersma@co.pipestone.mn.us)  
[david.overbo@co.clay.mn.us](mailto:david.overbo@co.clay.mn.us)  
[dflesch@co.wabasha.mn.us](mailto:dflesch@co.wabasha.mn.us)  
[dkramer@co.winona.mn.us](mailto:dkramer@co.winona.mn.us)  
[dblueb@co.rice.mn.us](mailto:dblueb@co.rice.mn.us)  
[dolsonawski@co.hubbard.mn.us](mailto:dolsonawski@co.hubbard.mn.us)  
[don.theisen@co.washington.mn.us](mailto:don.theisen@co.washington.mn.us)  
[doug.fischer@co.anoka.mn.us](mailto:doug.fischer@co.anoka.mn.us)  
[doug.grindall@co.koochiching.mn.us](mailto:doug.grindall@co.koochiching.mn.us)  
[douglas.haeder@state.mn.us](mailto:douglas.haeder@state.mn.us)  
[dpettis@co.le-sueur.mn.us](mailto:dpettis@co.le-sueur.mn.us)  
[foldesij@co.st-louis.mn.us](mailto:foldesij@co.st-louis.mn.us)

gary\_d@co.kandiyohi.mn.us  
gfelt@co.scott.mn.us  
gilkka@co.scott.mn.us  
greg.coughlin@state.mn.us  
greg.isakson@co.goodhue.mn.us  
greg.nikodym@co.kanabec.mn.us  
guy.kohlhofer@co.dodge.mn.us  
james.grube@co.hennepin.mn.us  
james.tolaas@co.ramsey.mn.us  
jeffrey.miller@co.stearns.mn.us  
jgrindeland@co.fillmore.mn.us  
jktripl@co.chisago.mn.us  
jodi.teich@co.stearns.mn.us  
john.brunkhorst@co.mcleod.mn.us  
john.mcdonald@co.faribault.mn.us  
john.menter@co.sherburne.mn.us  
jon.large@co.mahnomen.mn.us  
jon.olson@co.anoka.mn.us  
julie.skallman@state.mn.us  
jwelle@co.aitkin.mn.us  
karin.grandia@co.itasca.mn.us  
kbengtson@co.kittson.mn.us  
kelvin.howieson@state.mn.us  
kevin.peyman@co.martin.mn.us  
kimberlie.delarosa@state.mn.us  
kristi.sebastian@co.dakota.mn.us  
kristine.elwood@co.dakota.mn.us  
lamundson@co.lincoln.mn.us  
larry.haukos@co.traverse.mn.us  
lon.aune@co.marshall.mn.us  
loren.fellbaum@co.todd.mn.us  
lrobject@co.carver.mn.us  
luane.tasa@state.mn.us  
luke.hagen@co.grant.mn.us  
mark.krebsbach@co.dakota.mn.us  
mark.sehr@co.rock.mn.us  
marlin\_l@co.renville.mn.us  
maryann.hillyer@state.mn.us  
mel.odens@state.mn.us  
merle.earley@state.mn.us  
merry.daher@state.mn.us  
micah@co.mower.mn.us  
mick.alm@co.norman.mn.us  
mitch.anderson@co.stearns.mn.us  
mflaagan@co.pennington.mn.us  
mquale@co.aitkin.mn.us  
mrasmussen@co.scott.mn.us  
nancy.stone@state.mn.us  
nanderson@co.big-stone.mn.us  
nathan.richman@co.waseca.mn.us  
nick.anderson@co.big-stone.mn.us  
patti.loken@state.mn.us  
paul.stine@state.mn.us  
rgroves@co.murray.mn.us  
rheilman@highway.co.isanti.mn.us  
rhonda.lewis@co.sherburne.mn.us  
rick.kjonaas@state.mn.us

rob.hall@co.crow-wing.mn.us  
roger.risser@co.watonwan.mn.us  
ron.gregg@co.cottonwood.mn.us  
ronald.bumann@state.mn.us  
ronald.mortensen@co.meeke.mn.us  
rsanders@co.polk.mn.us  
ruth.cordes@state.mn.us  
rwest@co.otter-tail.mn.us  
ryan.odden@co.wadena.mn.us  
ryan.thilges@co.blue-earth.mn.us  
saltirhelp.dot@state.mn.us  
sanders.rich@co.polk.mn.us  
sgantert@co.steele.mn.us  
sgmiller@co.freeborn.mn.us  
sgreenwood@co.nicollet.mn.us  
sheehan.michael@co.olmsted.mn.us  
skubista@co.chippewa.mn.us  
sneppl@co.wilkin.mn.us  
sschnieder@co.nobles.mn.us  
steveb@co.morrison.mn.us  
steven.kirsch@state.mn.us  
steven.kubista@lqpc.com  
stu.peterson@state.mn.us  
sue.peltier@state.mn.us  
suhailkanwar@co.lyon.mn.us  
tdrath@co.winona.mn.us  
tim.stahl@co.jackson.mn.us  
tim e@co.lake-of-the-woods.mn.us  
timb@co.sibley.mn.us  
tmiles@co.fillmore.mn.us  
todd.howard@co.dakota.mn.us  
tom.anton@co.dakota.mn.us  
tom.behm@co.grant.mn.us  
tony.carter@co.itasca.mn.us  
virgil.hawkins@co.wright.mn.us  
walter.leu@state.mn.us  
wayne.fingalson@co.wright.mn.us  
wayne.olson@co.carlton.mn.us  
wayne.sandberg@co.washington.mn.us  
wayne.stevens@co.brown.mn.us  
willy r@co.redwood.mn.us  
tim.bray@co.crow-wing.mn.us

## **Nehl-Trueman, Laura (DOT)**

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**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:27 PM  
**To:** Nehl-Trueman, Laura (DOT); Stine, Paul (DOT)  
**Subject:** FW: Notice of Proposed Rule Making  
**Attachments:** State Aid-2011 Notice of Intent to Adopt.docx

fyi

---

**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:23 PM  
**To:** 'Ewald.Petersen@co.sherburne.mn.us'; 'Gordy.Wagner@co.pope.mn.us'; 'julrich@co.scott.mn.us'; 'jkolars@co.nicollet.mn.us'; 'cadancinbear@yahoo.com'; 'kevin.reich@ci.minneapolis.mn.us'; 'tcuneeo@duluthmn.gov'  
**Subject:** Notice of Proposed Rule Making

Dear City Councilpersons / County Board Members, You are being sent this notice because you served on the State Aid Rules Advisory Committee. Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

# Minnesota Department of Transportation

## Division of State-Aid for Local Transportation

### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

**Introduction.** The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

**Agency Contact Person.** You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (651) 366-3830, Fax: (651)366-3801, e-mail: [paul.stine@state.mn.us](mailto:paul.stine@state.mn.us) . TTY users may call the Department of Transportation at 1-800-627-3529. .

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment; subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under *Minnesota Statutes*, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the State Register. A copy of the proposed expedited rules and a copy of the department justification

memorandum, which further explains the proposed rule amendments, may also be viewed at <http://www.dot.state.mn.us/stateaid/>

**Comments.** You have until 4:30 p.m. on Wednesday, September 28, 2011, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

**Modifications.** The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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August 12, 2011

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation

**Nehl-Trueman, Laura (DOT)**

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**From:** Johnston, Marshall (DOT)  
**Sent:** Tuesday, August 23, 2011 7:19 AM  
**To:** Stine, Paul (DOT)  
**Subject:** RE: Notice of Proposed Rule Makin

Paul,  
8820.9936 Line 8.24 and 8820.9946 Line 11.18  
Verify that you want to include the words Shoulder Width on the urban charts.

Otherwise, they look good.

***R. Marshall Johnston***  
Manager, Municipal State Aid Needs Unit  
State Aid for Local Transportation  
395 John Ireland Blvd. MS 500  
St. Paul, MN 55155  
651.366.3815  
[marshall.johnston@state.mn.us](mailto:marshall.johnston@state.mn.us)

---

**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:23 PM  
**To:** #DOT\_DSAE; #DOT\_DSAA; Kildal, Kimberlie (DOT)  
**Subject:** Notice of Proposed Rule Makin

Dear State Aid Staff, Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

**Nehl-Trueman, Laura (DOT)**

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**From:** VanWagner, Colleen (DOT)  
**Sent:** Tuesday, August 23, 2011 6:56 AM  
**To:** Stine, Paul (DOT)  
**Subject:** RE: Notice of Proposed Rule Makin

Hi Paul-

I just noticed a "typo" in the "Final Justification Memo". Page 7, under 8820.9995 Minimum Bicycle Path Standards, paragraph 2, the third sentence should read "The proposed revisions allows up to 3 inches (not feet) of pavement within the culvert."

Maybe you have already caught that.

Have a good day.

Colleen

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**From:** Stine, Paul (DOT)  
**Sent:** Monday, August 22, 2011 4:23 PM  
**To:** #DOT\_DSAE; #DOT\_DSAA; Kildal, Kimberlie (DOT)  
**Subject:** Notice of Proposed Rule Makin

Dear State Aid Staff, Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

## **Nehl-Trueman, Laura (DOT)**

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**From:** Steve Koehler <Steve.Koehler@ci.new-ulm.mn.us>  
**Sent:** Tuesday, August 23, 2011 9:04 AM  
**To:** Stine, Paul (DOT)  
**Subject:** Proposed Rules

Hi Paul: I reviewed the proposed rule changes that you put together and I have one question or comment regarding the 8820.9995 Minimum Bicycle Path Standards. In the second paragraph of that section it suggests that up to 3 feet of pavement would be allowed within the culvert and that the trail designer will be able to order standard 10 foot box culverts instead of 12 foot. It was my understanding that the designer could order and utilize a standard 8 foot box culvert and pave up to 3 inches within the culvert.

Thank you for all the work that you have done to put this together and for the opportunity to comment. Steve

**Nehl-Trueeman, Laura (DOT)**

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**From:** Larson, Ken (DOT)  
**Sent:** Wednesday, August 31, 2011 9:40 AM  
**To:** Rob Hall  
**Cc:** Howieson, Kelvin (DOT); Stine, Paul (DOT)  
**Subject:** FW: [Mcea] Notice of Proposed Rule Making - COMMENT FROM CROW WING COUNTY  
**Attachments:** State Aid-2011 Notice of Intent to Adopt.docx; Part.003

Rob – I see the rule you mention, but I don't have enough background on the 8820 rules and that process to give you a good answer – I'm forwarding your comment to Paul Stine since he's the one who sent out the Notice of Intent.

Paul – can you respond? – thanks - KL

Ken Larson  
Mn/DOT D3 State Aid Assistant  
7694 Industrial Park Rd.  
Baxter, MN 56425  
desk 218-828-5708  
cell 218-232-6708  
fax 218-828-5814  
[ken.larson@state.mn.us](mailto:ken.larson@state.mn.us)

---

**From:** Rob Hall [<mailto:Rob.Hall@co.crow-wing.mn.us>]  
**Sent:** Tuesday, August 23, 2011 7:22 AM  
**To:** Larson, Ken (DOT)  
**Subject:** Fwd: [Mcea] Notice of Proposed Rule Making

Ken, as I was looking through the proposed rule changes, there is a rule that caught my eye. Nothing is proposed to be changed to it, but I never paid much attention to it before. Under 8820.9920, there is a statement that guardrail is required to be installed at all bridges where the design speed exceeds 40 mph , and either the ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Almost all of our bridges are on roadways that exceed 40 mph and 400 ADT. When installing box culverts that are classified as bridges, we have not always put in guardrail if the ends of the box extend outside of the normal roadway clear zone. The projects have always been accepted, so I believe there may need to be some cleaning up of the language in that section unless I am missing something. I assume the intent is for this to cover actual bridge structures, that have railing, etc. Any thoughts?

Rob

>>> "Stine, Paul (DOT)" <[Paul.Stine@state.mn.us](mailto:Paul.Stine@state.mn.us)> 8/22/2011 4:22 PM >>>

Dear City and County Engineers, Please see the attached Notice of Intent to Adopt Rules. Instructions on where to see the rules and make comment are within the Notice. Thank you.

Paul H. Stine, P.E.  
State Aid Operations Engineer  
Minnesota Department of Transportation  
395 John Ireland Blvd ; St. Paul, MN 55125 ; Mail Stop 500  
(651) 366 - 3830

**Nehl-Trueman, Laura (DOT)**

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**From:** Bruce Hasbargen <bruce.hasbargen@co.beltrami.mn.us>  
**Sent:** Wednesday, August 24, 2011 12:54 PM  
**To:** Stine, Paul (DOT)  
**Subject:** RE: Comment on Proposed Rule Making

Dear Mr. Stine,

I have a comment on the proposed rule changes for the Local State-Aid Route Standards.

The changes include a definition for Clear Zone. The definition states that the in-slope must meet the dimensions indicated in the design charts. The design charts have a column for the In-Slope dimensions including a reference note (b). Then finally, note (b) states:

~~(e)~~ **(b) Applies to slope within recovery area the clear zone only.**

We have run into design issues that stem from this note. The issue is we have been told that ALL "slopes" within the clear zone are required to meet the 1:4 dimension, not just the in-slope but also the back slope. We run into this issue when we have projects that fall into the 1500 and over ADT which requires a clear zone of 30 feet, which added to the 12 foot lane width is a total of 42 feet. With shallow ditch depths and narrow ditch sections the back slope will fall within the clear zone. We normally use steeper (1:3) back slopes to help minimize impacts which do not meet the 1:4 clear zone requirement. To date we have abided by the requirement for ALL slopes to meet the 1:4 as we understand the improved safety of having a traversable in-slope, ditch, and back-slope within the clear zone.

My request is to clarify this issue. If back slopes are not required to meet the requirement then note (b) should state "Applies to in-slopes within the clear zone only." If back-slopes are to be included in the requirement then the clear zone definition, design chart column heading and note (b) should state that the requirement applies to in-slopes and back-slopes within the clear zone.

Sincerely,

Bruce Hasbargen  
Highway Engineer  
Beltrami County

RECEIVED  
2011 NOV 28 PM 2:53  
ADMINISTRATIVE  
HEARINGS

1.1 Department of Transportation  
1.2 Adopted Expedited Permanent Rules Relating to Local State-Aid Route Standards

1.3 8820.0100 DEFINITIONS.

1.4 [For text of subps 1 to 2f, see M.R.]

1.5 Subp. 3. **City engineer.** "City engineer" means a licensed professional engineer  
1.6 employed as the city engineer or the director of public works, city engineer of each urban  
1.7 municipality.

1.8 [For text of subps 3a and 3b, see M.R.]

1.9 Subp. 3c. **Clear zone.** "Clear zone" is the distance measured from the edge of the  
1.10 outside through-traffic lane, which must be free of fixed objects and meet or exceed the  
1.11 minimum in-slope dimensions indicated in the design charts of this chapter.

1.12 [For text of subps 4 and 4a, see M.R.]

1.13 Subp. 5. **County highway engineer.** "County highway engineer" means a licensed  
1.14 professional engineer employed as the county highway engineer, county engineer, or the  
1.15 director of public works, county engineer of each county.

1.16 [For text of subps 6 to 13a, see M.R.]

1.17 Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or  
1.18 rehabilitation of the pavement structure to extend the life of the roadway and effectively  
1.19 address critical safety and operations needs through minor improvements to the existing  
1.20 facility. Reconditioning projects generally utilize the existing horizontal and vertical  
1.21 alignment, may entail minor widening or geometric improvement, and normally require  
1.22 little or no additional right-of-way. Reconditioning may include changes in vertical or  
1.23 horizontal alignment involving no more than 20 percent of the length of the project.  
1.24 Reconditioning may include curb replacement along no more than 20 percent of the  
1.25 length of the project, not including curb replacement for purposes of the Americans with

2.1 Disabilities Act of 1990, United States Code, title 42, section 12101 et seq. Work does not  
2.2 normally extend beyond the existing ditch bottom.

2.3 [For text of subps 13c to 22, see M.R.]

2.4 **8820.1500 CONSTRUCTION FUNDS.**

2.5 Subpart 1. [Repealed by amendment, 8 SR 2146]

2.6 Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to  
2.7 the execution of a contract that includes a requirement for bond, and a payment request,  
2.8 the commissioner shall promptly release from the funds available to the county or urban  
2.9 municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt  
2.10 of a signed supplemental agreement, including by means of an electronic signature, for a  
2.11 major addition to the contract, or appraised values for additional right-of-way costs, the  
2.12 commissioner shall promptly release from the funds available to the county or urban  
2.13 municipality up to 95 percent of the state-aid portion of the supplemental agreement or  
2.14 right-of-way appraised value. The commissioner shall keep the remaining percentage of  
2.15 the state-aid share of the contract, except of approved right-of-way claims which will be  
2.16 paid in full upon proof of acquisition and availability of funds, until the project is 95  
2.17 percent or more completed as substantiated and requested by the county or city engineer.

2.18 Upon receipt of the final project acceptance and final cost determination by the county  
2.19 or city engineer, and upon concurrence of project acceptance by the district state aid  
2.20 engineer, the commissioner shall promptly release from the funds available any remaining  
2.21 money due to the state-aid portion of the contract.

2.22 [For text of subps 3 to 12, see M.R.]

2.23 **8820.2500 MINIMUM STATE-AID STANDARDS.**

2.24 [For text of subps 1 to 2, see M.R.]

3.1 Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes  
3.2 must be at least 60 feet within cities and 66 feet in rural areas, except that the right-of-way  
3.3 may be less for routes that are within a city, that were constructed before November 13,  
3.4 1995, and that can be reconstructed to new construction standards within the previously  
3.5 existing right-of-way. Before construction, the governing body shall acquire control  
3.6 of the additional widths of right-of-way as may be necessary to properly maintain the  
3.7 ditch section, drainage structures, and the clear zone. Permanent easements for highway  
3.8 purposes are considered to be right-of-way for the purposes of this subpart.

3.9 [For text of subp 4, see M.R.]

3.10 **8820.3100 GENERAL STATE-AID LIMITATIONS.**

3.11 [For text of subp 1, see M.R.]

3.12 Subp. 2. **Lighting hazardous areas.** The cost of roadway and bridge lighting of  
3.13 locations at which accidents are likely to occur or are otherwise hazardous is an eligible  
3.14 expense if that lighting:

3.15 [For text of items A and B, see M.R.]

3.16 [For text of subps 3 to 9, see M.R.]

3.17 Subp. 9a. [See repealer.]

3.18 [For text of subp 10, see M.R.]

3.19 **8820.3200 LOCAL ROAD RESEARCH BOARD.**

3.20 Subpart 1. **Appointment.** The commissioner shall appoint a local road research  
3.21 board consisting of the following members:

3.22 [For text of items A and B, see M.R.]

3.23 C. two Department of Transportation staff engineers, one of whom must be the  
3.24 department's state-aid engineer;

4.1 [For text of items D and E, see M.R.]

4.2 Subp. 2. **Terms.** Appointments of county highway and city engineers, except for  
 4.3 unexpired terms, are for four years. The other members shall serve at the will of the  
 4.4 commissioner.

4.5 [For text of subp 3, see M.R.]

4.6 **8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN**  
 4.7 **UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.**

4.8 New or reconstruction projects for rural and suburban undivided roadways must meet  
 4.9 or exceed the minimum dimensions indicated in the following design chart.

Projected Lane ADT (a)	Lane Width	Shoulder Width	In- slope (b)	Clear Zone (c)	Design Speed (d)	Sur- facing	Structural Design Strength	Bridges to Remain (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
150-299	12	4	1:4	15	40-60	Agg./ Paved	7-ton/ 10-ton Staged (g)	28
300-749	12	4	1:4	15	40-60	Paved	10-ton Staged (g)	28
750-1499	12	4	1:4	25	40-60	Paved	10-ton Staged (g)	28
1500 and over	12	6(f)	1:4	30	40-60	Paved	10	30

4.29 Engineering judgment may be used to choose a lane-width or ~~shoulder-width~~  
 4.30 dimension other than the widths indicated in the chart for roadways. Factors to consider  
 4.31 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly

5.1 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
5.2 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
5.3 Widths less than those indicated in the chart require a variance in accordance with parts  
5.4 8820.3300 and 8820.3400.

5.5 For rural divided roadways, use the geometric design standards of the Mn/DOT  
5.6 Road Design Manual, with a minimum ten tons structural design and minimum 40 mph  
5.7 design speed.

5.8 (a) Use the existing traffic for highways not on the state-aid system.

5.9 (b) Applies to slope within the clear zone only.

5.10 (c) Culverts with less than 30-inch vertical height allowed without protection in  
5.11 the clear zone.

5.12 Guardrail is required to be installed at all bridges where the design speed exceeds  
5.13 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than  
5.14 the sum of the lane and shoulder widths.

5.15 Mailbox supports must be in accordance with chapter 8818.

5.16 For roadways in suburban areas as defined in part 8820.0100, the clear zone may be  
5.17 reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected  
5.18 ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or less, the clear  
5.19 zone may be reduced to a width of ten feet.

5.20 (d) Subject to terrain. In suburban areas, the minimum design speed may be equal to  
5.21 the current legal posted speed where the legal posted speed is 30 mph or greater.

5.22 (e) Inventory rating of H 15 is required. A bridge narrower than these widths may  
5.23 remain in place if the bridge is not deficient structurally or hydraulically.

5.24 (f) Shoulders are required to be a minimum width of eight feet for highways classified  
5.25 as minor arterials and principal arterials with greater than 1,500 ADT projected, at least  
5.26 two feet of which must be paved.

6.1 (g) Except within municipal corporate limits, ten-ton staged structural design must be  
 6.2 able to carry ten-ton axle loads except during spring load-restriction periods, or year-round  
 6.3 if needed for system continuity. Roadbed width must accommodate ultimate ten-ton  
 6.4 pavement overlay thickness and ultimate 1:4 side-slope. Within municipal corporate  
 6.5 limits, minimum structural design must support nine-ton axle strength.

6.6 Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

6.7 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
 6.8 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
 6.9 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new  
 6.10 or reconstructed bridges must be no less than either the minimum required lane plus  
 6.11 shoulder widths or the proposed lane plus shoulder widths, whichever is greater, but in no  
 6.12 case less than the minimum lane widths plus four feet, and in no case less than required  
 6.13 per Minnesota Statutes, section 165.04.

6.14 For roundabout design, the design criteria of the current edition of the Minnesota  
 6.15 State Aid Roundabout Guide are recommended.

6.16 **8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE**  
 6.17 **REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND**  
 6.18 **APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED**  
 6.19 **ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.**

6.20 New bridge, bridge replacement, or bridge rehabilitation projects and approach  
 6.21 roadways on rural or suburban undivided roadways that are not on the state-aid system  
 6.22 must meet or exceed the minimum dimensions indicated in the following design chart.

Existing ADT	Lane Width	Shoulder	Inslope	Clear Zone	Design Speed
(a)		Width	(b)	(c)	(d)
	(feet)	(feet)	(rise: run)	(feet)	(mph)
0-49	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	12	4	1:4	15(e)	30-60

7.1 Engineering judgment may be used to choose a lane-width or shoulder-width  
7.2 dimension other than the widths indicated in the chart for roadways. Factors to consider  
7.3 may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm  
7.4 equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic,  
7.5 other nonmotorized uses, functional classification, or other factors. Widths less than  
7.6 those indicated in the chart require a variance in accordance with parts 8820.3300 and  
7.7 8820.3400.

7.8 (a) For existing ADT greater than 400, part 8820.9920 standards apply.

7.9 (b) Applies to slope within the clear zone only.

7.10 (c) Culverts with less than 30-inch vertical height allowed without protection in  
7.11 the clear zone.

7.12 (d) Subject to terrain.

7.13 (e) For roadways in suburban areas, the clear zone may be reduced to a width of ten  
7.14 feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over.  
7.15 Wherever the legal posted speed limit is 40 miles per hour or less, the clear zone may  
7.16 be reduced to a width of ten feet.

7.17 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
7.18 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
7.19 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new  
7.20 or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in  
7.21 no case less than the minimum lane width plus four feet, and in no case less than required  
7.22 per Minnesota Statutes, section 165.04.

7.23 Bridge structures of minimum 20-foot clear width may be constructed where existing  
7.24 ADT is less than 50, potential for increasing ADT is low, and the local government  
7.25 agency finds that the bridge width can operate effectively at that width for the expected  
7.26 life of the bridge.

8.1 **8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR**  
 8.2 **RECONSTRUCTION PROJECTS.**

8.3 New or reconstruction projects for urban roadways must meet or exceed the minimum  
 8.4 dimensions indicated in the following design chart.

8.5 Functional 8.6 Classification and 8.7 Projected Traffic 8.8 Volume	Design Speed mph	Lane Width (a) feet	Curb Reaction Distance (e) feet	Parking Lane Width feet
8.10 Collectors or Locals 8.11 with ADT < 10000	30-40	(b) 11	2	8
8.12	over 40	12	2	10
8.13 Collectors or Locals 8.14 with ADT ≥ 10000 and 8.15 Arterials	30-40	(b) 11	(c) 4	10
8.16	over 40	12	(c) 4	(d) 10

8.17 Engineering judgment may be used to choose a lane-width or shoulder-width  
 8.18 dimension other than the widths indicated in the chart for roadways. Factors to consider  
 8.19 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
 8.20 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
 8.21 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
 8.22 Widths less than those indicated in the chart require a variance in accordance with parts  
 8.23 8820.3300 and 8820.3400.

8.24 (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if  
 8.25 the design speed is over 40 mph.

8.26 (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

8.27 (c) May be reduced to two feet if there are four or more traffic lanes and on one-way  
 8.28 streets.

8.29 (d) No parking is allowed for six or more traffic lanes or when the posted speed  
 8.30 limit exceeds 45 mph.

9.1 (e) Curb reaction must be provided only where parking is not provided.

9.2 One-way streets must have at least two through-traffic lanes.

9.3 When a median is included in the design of the two-way roadway, a one-foot reaction  
9.4 distance to the median is required on either side of the median. Minimum median width is  
9.5 four feet.

9.6 Urban design roadways must be a minimum nine tons structural axle load design.

9.7 Roadways not on the state-aid system are not subject to the minimum structural  
9.8 design strength requirements.

9.9 The minimum curb-to-curb width of a new bridge must be the required street width,  
9.10 but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading  
9.11 with AASHTO Standard Specifications or HL-93 loading with load and resistance factor  
9.12 design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18  
9.13 loading is required for all rehabilitated bridges. Where the new bridge approach roadway  
9.14 includes elements for the accommodation of pedestrians or bicycles, the new bridge  
9.15 width must also provide for pedestrians or bicycles unless pedestrians or bicycles are  
9.16 otherwise accommodated.

9.17 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
9.18 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
9.19 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
9.20 curb reaction distance.

9.21 Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when  
9.22 the posted speed is 40 to 45 mph. A ten-foot clear zone measured from the driving lane  
9.23 must be provided when the posted speed exceeds 45 mph.

9.24 For volumes greater than 15,000 projected ADT, at least four through-traffic lanes  
9.25 are required, unless a capacity analysis demonstrates that a different lane configuration  
9.26 achieves level of service D or better.

10.1 "Level of service" has the meaning given it in the Highway Capacity Manual, Special  
 10.2 Report 209, as revised and published by the Transportation Research Board of the National  
 10.3 Research Council, Washington, D.C. The definition is incorporated by reference, is not  
 10.4 subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr.  
 10.5 Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

10.6 For roundabout design, the design criteria of the current edition of the Minnesota  
 10.7 State Aid Roundabout Guide are recommended.

10.8 **8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING**  
 10.9 **PROJECTS.**

10.10 Subpart 1. **Two-way streets.** In the following design chart, total width is from  
 10.11 face-to-face of curbs.

10.12 Reconditioning projects for two-way urban roadways must meet or exceed the  
 10.13 minimum dimensions indicated in the chart.

10.14	Number of Through	Total Width	Total Width with	Total Width with	Proposed
10.15	Lanes, Functional Class,	with No	Parking on One	Parking on Both	Structural
10.16	and Present Traffic Volume	Parking	Side	Sides	Design
10.17					Strength
10.18		(feet)	(feet)	(feet)	(tons)
10.19	2-Lane Collector or Local	26	32	38	(b) 9
10.20	with ADT < 10000				
10.21	4-Lane Collector or Local	44	52	60	(b) 9
10.22	with ADT < 10000				
10.23	2-Lane Collector or Local	26	32	42	9
10.24	with ADT ≥ 10000 or				
10.25	2-Lane Arterial (a)				
10.26	4-Lane Collector or Local	44	54	64	9
10.27	with ADT ≥ 10000 or				
10.28	4-Lane Arterial				
10.29	6-Lane Collectors or	66	(c)	(c)	9
10.30	Arterials				

11.1 Engineering judgment may be used to choose a lane-width or shoulder-width  
11.2 dimension other than the widths indicated in the chart for roadways. Factors to consider  
11.3 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
11.4 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
11.5 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
11.6 Widths less than those indicated in the chart require a variance in accordance with parts  
11.7 8820.3300 and 8820.3400.

11.8 (a) Permissible for present traffic volumes less than 15,000 ADT.

11.9 (b) When ADT is less than 5,000, seven tons is allowable.

11.10 (c) No parking is allowed.

11.11 When a median is included in the design of the two-way roadway, a one-foot reaction  
11.12 distance to the median is required on either side of the median. Minimum median width is  
11.13 four feet.

11.14 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
11.15 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
11.16 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
11.17 curb reaction distance.

11.18 For roundabout design, the design criteria of the current edition of the Minnesota  
11.19 State Aid Roundabout Guide are recommended.

11.20 [For text of subps 2 and 3, see M.R.]

11.21 **8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION**  
11.22 **ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN**  
11.23 **NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE**  
11.24 **PARKS; NEW OR RECONSTRUCTION PROJECTS.**

11.25 Subpart 1. **Type I route.** New or reconstruction projects for type I natural  
11.26 preservation routes, designated national forest highways within national forests, and

12.1 state park access roads within state parks must meet or exceed the minimum dimensions  
 12.2 indicated in the following design chart.

12.3	Surface	Design	Lane	Shoulder	Inslope	Clear Zone	Design	Bridge to
12.4	Type	Speed	Width	Width			Strength	Remain
12.5		(mph)	(feet)	(feet)	(rise:	(feet)	(tons)	(feet)
12.6					run)			
12.7			(a)	(b)	(c)			(d)
12.8	Aggregate	30	11	1	1:3	3		22
12.9	Paved	30	11	2	1:3	9	9	22

12.10 (a) If the route has scenic vistas that will require parking vehicles along the shoulder,  
 12.11 widening the shoulder at these locations is acceptable. The designer will provide a  
 12.12 four-foot paved shoulder if the route is a popular bicycle route.

12.13 (b) Applies to slope within the clear zone only. Other design features, such as  
 12.14 guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of  
 12.15 reconstructing the inslope in accordance with part 8820.4060.

12.16 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
 12.17 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
 12.18 of the lane and shoulder widths.

12.19 Mailbox supports must be in accordance with chapter 8818.

12.20 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
 12.21 remain in place if the bridge is not deficient structurally or hydraulically.

12.22 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
 12.23 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
 12.24 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
 12.25 bridges is the sum of the lane and shoulder widths plus four feet.

12.26 Ditch depths and widths must be kept to the minimum required to function  
 12.27 hydraulically and to provide for adequate snow storage when a standard ditch would  
 12.28 negatively impact the surroundings.

13.1 The designer shall specify in the plan and special provisions that the clearing width is  
 13.2 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
 13.3 contractor for working room is zero unless otherwise required for special conditions.

13.4 Curb and gutter may be used in lieu of a ditch section under the paved option. The  
 13.5 lane width, shoulder width, and clear zone must be maintained.

13.6 For designated national forest highways within national forests, and state park access  
 13.7 roads within state parks, this subpart applies only where the projected ADT is less than  
 13.8 100, unless the route has been designated as a natural preservation route.

13.9 For roundabout design, the design criteria of the current edition of the Minnesota  
 13.10 State Aid Roundabout Guide are recommended.

13.11 Subp. 2. **Type II route.** New or reconstruction projects for type II natural  
 13.12 preservation routes, designated national forest highways within national forests, and  
 13.13 state park access roads within state parks must meet or exceed the minimum dimensions  
 13.14 indicated in the following design chart.

13.15	Surface	Design	Lane	Shoulder	Inslope	Clear Zone	Design	Bridge to
13.16	Type	Speed	Width	Width	(rise:	(feet)	Strength	Remain
13.17		(mph)	(feet)	(feet)	run)		(tons)	(feet)
13.18								
13.19			(a)	(b)	(c)			(d)
13.20	Aggregate	30	11	2	1:3	9		22
13.21	Paved (e)	30	11	3	1:4	9	9	22
13.22	Paved	40	11	3	1:4	9	9	22

13.23 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
 13.24 bicycle route. If the route has scenic vistas that will require parking vehicles along the  
 13.25 shoulder, widening the shoulder at these locations is acceptable.

13.26 (b) Applies to slope within clear zone only. Other design features, such as guardrail  
 13.27 or retaining walls, should be considered in particularly sensitive areas in lieu of

14.1 reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must  
14.2 be 1:4 or flatter within the clear zone when the ADT exceeds 400.

14.3 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
14.4 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
14.5 of the lane and shoulder widths.

14.6 Mailbox supports must be in accordance with chapter 8818.

14.7 (d) This standard may be applied only when the project is located in a subdivided area.

14.8 (e) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
14.9 remain in place if the bridge does not qualify for federal-aid bridge funds.

14.10 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
14.11 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
14.12 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
14.13 bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

14.14 Ditch depths and widths must be kept to the minimum required to function  
14.15 hydraulically, to be traversable if within the clear zone, and to provide for adequate snow  
14.16 storage when a standard ditch would negatively impact the surroundings.

14.17 The designer shall specify in the plan and special provisions that the clearing width is  
14.18 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
14.19 contractor for working room is zero unless required for special conditions.

14.20 For designated national forest highways within national forests, and state park access  
14.21 roads within state parks, this subpart may be applied only where the projected ADT is less  
14.22 than 300, unless the route has been designated as a natural preservation route.

14.23 For roundabout design, the design criteria of the current edition of the Minnesota  
14.24 State Aid Roundabout Guide are recommended.

14.25 Subp. 3. **Type III route.** New or reconstruction projects for type III natural  
14.26 preservation routes, designated national forest highways within national forests, and

15.1 state park access roads within state parks must meet or exceed the minimum dimensions  
15.2 indicated in the following design chart.

15.3	Surface	Design	Lane	Shoulder	Inslope	Clear Zone	Design	Bridge to
15.4	Type	Speed	Width	Width	(rise:	(feet)	Strength	Remain
15.5		(mph)	(feet)	(feet)	run)		(tons)	(feet)
15.6				(a)	(b)	(c)		(d)
15.7								
15.8	Aggregate	30	12	3	1:4	10		24
15.9	Paved (e)	30	12	4	1:4	10	9	24
15.10	Paved	40	12	4	1:4	15	9	24

15.11 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
15.12 bicycle route. If the route has scenic vistas which will require parking vehicles along the  
15.13 shoulder, widening the shoulder at these locations is acceptable.

15.14 (b) Applies to slope within the clear zone only. Other design features, such as  
15.15 guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of  
15.16 reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must  
15.17 be 1:4 or flatter within the clear zone when the ADT exceeds 400.

15.18 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
15.19 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
15.20 of the lane and shoulder widths.

15.21 Mailbox supports must be in accordance with chapter 8818.

15.22 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
15.23 remain in place if the bridge does not qualify for federal-aid bridge funds.

15.24 (e) This standard may be applied only when the project is located in a subdivided  
15.25 area or an area in a detailed development process, and physical restraints are present that  
15.26 prevent reasonable application of another level of these standards.

15.27 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
15.28 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required

16.1 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
16.2 bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

16.3 Ditch depths and widths must be kept to the minimum required to function  
16.4 hydraulically, to be traversable if within the clear zone, and to provide for adequate snow  
16.5 storage when a standard ditch would negatively affect the surroundings.

16.6 The designer shall specify in the plan and special provisions that the clearing width is  
16.7 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
16.8 contractor for working room is zero unless required for special conditions.

16.9 For roundabout design, the design criteria of the current edition of the Minnesota  
16.10 State Aid Roundabout Guide are recommended.

16.11 **8820.9995 MINIMUM BICYCLE PATH STANDARDS.**

16.12 Minimum Bicycle Path Standards<sup>(a)</sup>

16.13 For Off-Road Bike Path Design, the following shall apply:

16.14	Minimum Surface Width (two-way)	8 ft (b)
16.15	Shoulder/Clear Zone	2 ft (c) (d)
16.16	Inslope	Maximum 1:2 (rise:run)
16.17	Design Speed	20 mph (e)
16.18	Vertical Clearance over lane and	9 ft-9 in (7 ft-9 in if passage of emergency or maintenance vehicles is not required)
16.19	shoulder	

16.20 (a) For on-road bicycle facilities, the current Minnesota Department of Transportation  
16.21 bicycle design guidelines are recommended for design purposes.

16.22 (b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required  
16.23 for a one-way bicycle path.

16.24 (c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be  
16.25 carried across bridges and through underpasses. Minimum structure clear width must be  
16.26 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear  
16.27 zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety

17.1 railing is required at each end of the bridge or underpass. As an alternative to lead-in  
17.2 bicycle safety railing, the surface width of the approach bike path may be narrowed at a  
17.3 1:50 taper while maintaining minimum surface width and shoulder/clear zone through  
17.4 the structure.

17.5 (d) Clear zone is measured from the edge of the bicycle travel lane.

17.6 (e) Use a 30 mph design speed for grades longer than 500 feet and greater than four  
17.7 percent, from the uphill point where the grade equals four percent to 500 feet beyond the  
17.8 downhill point where the grade becomes less than four percent. The maximum allowable  
17.9 grade is 8.3 percent.

17.10 **REPEALER.** Minnesota Rules, part 8820.3100, subpart 9a, is repealed.

Minnesota Department of Transportation

ORDER ADOPTING RULES

Adoption of Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, Minnesota Rules, 8820

RECEIVED  
2011 NOV -8 PM 2:53  
ADMINISTRATIVE  
HEARINGS

BACKGROUND INFORMATION

1. The Minnesota Department of Transportation has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. Specifically, these rule amendments are adopted pursuant to the expedited rulemaking authority of Minnesota Statutes, section 14.389 and Minnesota Rules 1400.2090.

However, there was one technical error that occurred in the publication of the proposed rules in the State Register. In part 8820.9920, the strikeouts and underlines for the chart headings were inadvertently omitted in the published version of the proposed rules. The department noticed the omission after the comment period had expired. At that point, the department contacted the editor of the State Register, Robin Panlener, who apologized for the omission and stated that it was an error on the part of the State Register and that they should have caught the omission in their proofing of the document prior to publication. Normally, all amendments carry through from the Revisor's Office to the State Register, but for some reason these few edits did not carry over. (See attached copy of proposed rules as certified.)

The department asserts that the State Register omission of the knockout and the underlines in the chart heading for part 8820.9920 is a harmless error under Minnesota Statutes, section 14.26, subdivision 3, paragraph (d) in that the omission did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process. The department received five comments on the rule none of which mentioned the omission. In addition, it should also be noted that the text for the footnotes referenced in the chart did contain the correct strikeouts and underlines and therefore, did not deprive the public of the department's intention regarding amendments to part 8820.9920. In addition, the rules are technical rules geared toward city and county engineers, many of whom have previously reviewed the rules through the rules advisory committee required under Minnesota Statutes, sections 162.02, subd. 2(a) and 162.09, subd. 2(a). Finally, the Notice of Adoption in the State Register will adopt the rule with the proposed modifications which will include the omitted strikeouts and underlines from part 8820.9920.

2. The agency received five written comments and submissions on the rules. Two comments pointed out a typographical error in the Justification Memorandum, two comments suggested amendments for a future rulemaking and the fifth comment indicated that a modification needed to be made to part 8820.9936. The department agrees with the comment and is proposing a modification to part 8820.9936 as further explained in paragraph three of this Order. The agency received no requests for notice of submission to the Office of Administrative Hearings.

3. The agency made a modification to rule part 8820.9936. A comment received from the public pointed out that the phrase "or shoulder-width" should be removed from the paragraph added in part 8820.9936, Minimum Design Standards, Urban: New or Reconstruction Projects. The department agrees with this comment since urban roadways do not include shoulders. The

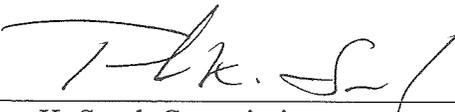
amendment in part 8820.9936 was based on the same language in part 8820.9920, the rural design standards which do include a shoulder standard. Therefore, the department has deleted the phrase "or shoulder-width" from part 8820.9936. This is not a substantial change because the department is correcting a drafting oversight. With the removal of the phrase the amended language in part 8820.9936 is consistent with the urban design table which does not include shoulders. Therefore, the change is not a substantial change in that it is within the scope of the matter announced in the notice of intent to adopt rules and are in character with the issues raised in the notice, the differences are a logical outgrowth of the contents of the notice of intent to adopt and the comments submitted in response to the notice, the notice of intent to adopt provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

4. The rules are needed and reasonable. See attached Justification Memorandum for further explanation regarding the rule amendments.

### ORDER

The above-named rules, in the form published in the State Register on August 29, 2011 with the modification as indicated in the Revisor's draft, file number AR3980, dated October 25, 2011, are adopted under my authority in Statutes, section Minnesota Statutes, sections 162.02 and 162.09.

11/4/11  
Date

  
\_\_\_\_\_  
Thomas K. Sorel, Commissioner  
Department of Transportation



Minnesota Department of Transportation

---

Transportation Building  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

November 9, 2011

The Honorable Raymond R. Krause  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Expedited Rules of the State Department of Transportation  
Relating To Local State-Aid Route Standards, Request for Review and Approval of  
Expedited Rules; Governor's Tracking #AR 587

Dear Chief Judge Krause:

Enclosed please find a copy of the Minnesota Department of Transportation's Justification Memorandum for the rule record in the above entitled matter. The rule record was submitted to your office on November 8, 2011 for legal review. The Justification Memorandum should have been included with that mailing and the department is submitting it now for inclusion into the rule record.

Please let me know if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Nehl-Trueman".

Laura Nehl-Trueman  
MnDOT Rule Coordinator  
651-366-3066

RECEIVED

Minnesota Department of Transportation 11 NOV 10 PM 2:23

Division of State Aid For Local Transportation ADMINISTRATIVE HEARINGS

**Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of Minn. R. 8820.3100. subp. 9a.**

**Justification Memorandum Regarding Amendments to Chapter 8820**

Pursuant to Minnesota Statutes, sections 162.02 and 162.09, the commissioner is authorized to adopt and amend rules to carry out chapter 162 using the expedited rulemaking process under Minnesota Statutes, section 14.389. Following is an explanation for each of the amendments proposed for Chapter 8820.

The proposed amendments were made with the advice of the State Aid Rules Advisory Committee as required by Minnesota Statutes, section 162.02 and 162.09. See Attachment A for the advisory committee statutory language and a list of the Rules Advisory Committee members.

**8820.0100 Definitions.**

**Subpart 3. and Subp. 5. City engineer and County highway engineer.** Subparts 3 and 5 are being amended to change the term "registered" engineer to "licensed professional" engineer. This amendment is necessary because engineers are not "registered" but are "licensed" by the Minnesota Board of Architecture, Engineering, Land Surveying Landscape Architecture, Geoscience, and Interior Design (AELSLAGID Board). This proposed change was acknowledged and supported by the Board and is reasonable because the language in rule 8820 will be consistent with the terminology of the Board.

**Subp. 3c. Clear zone.** Subpart 3c is a definition which defines "clear zone." The term "clear zone" replaces the existing term of "recovery area" throughout the rules. It is necessary to replace the term "recovery area," with "clear zone" because "clear zone" is the term that is used in national and state level guidance rather than "recovery area." Use of the term "clear zone" can be found in the following road design manuals: the AASHTO Green Book, the AASHTO Roadside Design Guide, the Institute of Transportation Engineers (ITE) Traffic Engineering Handbook, and Mn/DOT's Road Design Manual. This is only a change in terminology. The tables in the rules still provide the minimum design standards for the clear zone. See also explanation in part 8820.9920 in which a portion footnote (d) from the minimum design standards table is

deleted in this rule part and other rule parts due to the fact that the obstacle free concept is now moved to this definition.

**Subp. 13b. Reconditioning.** Subp. 13b is proposed to be amended to add the following sentence: "Reconditioning may include curb replacement along no more than 20 percent of the length of the project, not including curb replacement for purposes of the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101 et seq."

The proposed language is necessary to define the amount of curb replacement that can be done under the reconditioning standards in part 8820.9946. Curb replacement in excess of 20 percent of the project length would either be required to use the reconstruction standards of part 8820.9936 or request a variance. Projects which need curb replacement greater than 20 percent are typically cost-effectively justified to be reconstructed, not reconditioned. A 20 percent curb replacement limit is similar to the allowed realignment limit of 20 percent already in part 8820.9946. The amendment is reasonable because it defines a reasonable maximum amount of curb replacement within a reconditioning project. ADA curb replacement is not included in the amount of curb replacement so that local agencies are not discouraged from making ADA-type improvements as part of their reconditioning projects.

#### **8820.1500 Construction Funds.**

**Subp.2. State-aid contracts.** Subpart 2 is being amended to allow for the requirement of an electronic signature on the supplemental agreement that is sent to the commissioner. This change is necessary to keep pace with the way in which documents are transmitted today. Submittal of signed paper copies is no longer the standard practice. Use of the term "electronic signature" is reasonable because this is the term that is used under the Uniform Electronic Transaction Act under Chapter 325L. Under Minnesota Statutes, section 325L.02, "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. The term has become the standard and has been used throughout other Minnesota laws, such as in Minn. Stat. §§ 317A.015 and 308B.007. Use of an electronic signature will allow the department and the local entities to use the technology that is available today in the submittal process.

**8820.2500 Minimum State-Aid Standards. , Subp. 3. Right-of-way.** The term "clear zone" replaces "recovery area" as explained in part 8820.0100, subp. 3c.

**8820.3100 General State-Aid Limitations, Subp. 2. Lighting hazardous areas.** Subpart 2 is being amended to add the phrase "and bridges" after the word roadway. This amendment is necessary to clarify that both roadway and bridge lighting are eligible for funding. This is reasonable because the interpretation by the department of

roadway has always included bridges. This amendment will clarify the department's interpretation.

**Subp. 9a. Flexible or rigid pavement.** Subpart 9a is being proposed for repeal. This subpart limits state aid funding participation on surfacing roadways with low Average Daily Traffic (ADT). Historically, non-paved road structures provide adequate strength for rural, low-ADT, farm-to-market routes and providing a paved surface was considered in excess of a necessary feature. Over time more non-farm businesses and residents can be found along rural routes and there are more non-farm vehicles using these routes. There are also more common reasons for paving roads and having a paved surface, such as dust control, drainage, bicycling, and aesthetics. Because of these changes in the road use and expected road condition, this subpart is proposed to be removed to allow for more state aid funding participation in cases of low ADT.

**8820.3200 Local Road Research Board. Subp. 1. Appointment, item C.** Item C is being amended to add the requirement that one of the two department staff engineers appointed to the Local Road Research Board (LRRB) must be the department's state-aid engineer. The department is proposing this amendment at the request of the LRRB. The LRRB feels that since the state-aid engineer is responsible for the research funds, the rules should specifically require the state-aid engineer to be appointed as one of the Mn/DOT members. The department agrees that this is a reasonable request and is willing to propose this change.

**Subp. 2. Terms.** Subpart 2 is proposed to be amended to change the length of appointment to the LRRB from three to four years. The department is proposing the change at the request of the LRRB. The LRRB has requested the increase in terms for members because of the time necessary to get familiar with the processes used in research proposals, contracts, etc., and to gain an understanding of basic and applied research and implementation needs. In addition, previous board members have reported that a longer appointment would allow members to add greater value and make better decisions before rotating off the board. The department feels this is a reasonable request and has agreed to the increase in term limits.

**8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects.**

The phrase "peak hourly traffic," is being added to the second paragraph of this part. This factor is being proposed to be added to the list of factors that should be considered when designing a roadway because of its affect on roadway capacity.

Footnotes (a) through (g) have been re-lettered so that the order of the footnotes reads from left to right in the chart. Those footnotes that have been re-lettered but have no other changes will not be further discussed.

**Current footnote (a).** The amendment to the current footnote (a) is being made to clarify that the language should not be a footnote to the chart.

**Proposed footnote (a).** The new proposed footnote (a) is the current footnote (b). In addition, the numbers contained in the new footnote (a) column of the design chart are proposed to be amended. The current 150 to 749 Average Daily Traffic (ADT) is being divided into two ranges. One from 150 to 299 and another from 300 to 749 as further explained in footnote (b). The 150 – 299 ADT range also carries over the same lane width, shoulder width, in-slope, clear zone, design speed and curb widths of the other ADTs.

**Proposed footnote (b).** Amendment removes the term “recovery area” and replaces it with the term “clear zone” as previously explained in part 8820.0100, subd. 3c.

**Proposed footnote (c).** The term “clear zone” is proposed to replace “recovery area” in the footnote and the design chart as previously explained in part 8820.0100, subp. 3c. In addition, the sentence “Obstacle-free area (measured from edge of traffic lane)” has also been deleted in this part and other rule parts because this concept is now part of the definition of clear zone, part 8820.0100, subp. 3c.

**Proposed footnote (g).** New language is being proposed to be added for footnote (g) regarding structural design strength of roadways. Footnote (g) adds a definition of 10-ton staged structural design strength which relates to the Projected ADT in footnote (a) of the design chart.

Minnesota Statutes, sections 169.80 through 169.891 allow 20,000 pound (10 ton) gross weight on any single axle on paved streets or highways unless posted to lesser weight limits. Currently, the rules in the design chart include two ADT ranges, 150 to 749 and 750 to 1,499, that show minimum structural design strength of only 9-tons. The proposed rule language revises minimum structural design strength from 9-ton to 10-ton staged. While the requirement for pavement is proposed to be removed for the 150-299 ADT range, county engineers felt it reasonable to require minimum 7-ton axle strength roadway strength.

Spring load restrictions (SLR) under Minnesota Statutes, section 169.87 occur for approximately 6 weeks each spring when roadbeds are saturated and therefore cannot fully support legally loaded 10-ton vehicles. If loads are expected during the 6 week SLR period, then road authorities may post load restrictions under Minnesota Statutes, section 169.87. Cyclical load peaks for Minnesota regions include the beet harvest in western Minnesota during fall, and the timber harvest in the forested northern regions of Minnesota during winter. It is not reasonable to require the additional expense of a stronger roadbed that can carry heavy vehicles if no such traffic is expected during the SLR period.

Minimum 10-ton staged design strength is reasonable because it allows the road authority the flexibility to provide a slightly less costly roadbed for segments of the system that the road authority feels is unlikely to be supporting heavy loads during the SLR period. Within areas of the state that have heavy load traffic generators that occur during the spring season, a stronger roadbed should be provided as necessary at the discretion of the local road authority (part 8820.9920 is a minimum standard). Various efforts are underway which will help designers predict traffic, calculate equivalent single axle loading, seasonal traffic distribution, overweight loads, etc. which will improve their ability to provide a well designed pavement structure adequate to support loads over the desired life of the pavement.

In addition, where new load generators are introduced along a roadway, for example, a new ethanol refinery or wind farm, a roadway can be strengthened in stages by overlaying with additional paving materials. Proposed language in footnote (g) will require adequate roadway width be provided during initial construction to accommodate a pavement overlay thickness and side-slope necessary to achieve a year-round 10-ton structural strength.

The ADT range of 150 – 749 is proposed to be divided into two ranges, one from 300 to 749 which must be paved, and one from 150 to 299 which does not minimally require paving. The splitting of the 150 to 749 ADT range is needed to allow surfacing flexibility in the 150 to 300 ADT portion because many roadways are farm roads or haul roads which may be better served by gravel roads.

**Current footnote (h).** Lastly, because the ultimate pavement strength must be included in the plan, the footnote language related to project phasing is no longer needed. The timing of providing pavement necessary to achieve the ultimate strength is left to the discretion of the local agency.

The change from “width” to “widths” is a technical correction.

**8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways That Are Not on the State-Aid System.**

**Footnotes (b), (c), (d) and (e).** The term “recovery area” is being replaced by the term “clear zone” as explained in part 8820.0100, subp. 3c. The phrase regarding “obstacle free area” is also being deleted from footnote (c) as explained in parts 8820.0100, subp. 3c and 8820.9920. Footnote (d) is a footnote that was moved in its place from previous footnote (e) and is not new language.

## 8820.9936 Minimum Design Standards, Urban, New or Reconstruction Projects.

The word “minimum” is being added to the heading for part 8820.9936 for consistency with the other headings in other design standard parts such as 8820.9920 and 8820.9922.

Part 8820.9936 is also being amended to propose the addition of the engineering judgment standard. This language is the same as the engineering judgment standard in parts 8820.9920, 8820.9922, and 8820.9926. The language is added here to be consistent with the other parts. It is reasonable to add the language to this part as well because using engineering judgment based on experience when designing roadways is the responsibility of skilled roadway designers. The minimum design dimensions of the standards is not a strict one size fits all table to be used without considering the purpose, need, users, and context of each transportation project.

Other proposed amendments in part 8820.9936 include:

- adding the phrase “axle load” for clarification.
- proposing the deletion of the requirement for ten-ton pavement design strength continuity and the requirement for final grading within 3-years. This is a necessary amendment because, while all roadways are adversely impacted by heavy loads, urban roadways are also heavily impacted by underground utility work and drainage issues more so than rural roadways. Therefore, the 10-ton load statutes, Minnesota Statutes, sections 169.80 thru 169.891 are a less significant issue to municipal streets, and do not justify a minimum design requirement in the State-Aid Operations Rules. The removal of language related to continuity and time limits is reasonable because short segments in urban environments as well as the underground utility and environmental impacts have made meeting the 3-year and continuity requirements burdensome for practical reasons. This change was also made in part 8820.9920.
- The department is also proposing an amendment to the language in the part regarding lane configuration. The current rule requires “at least four through-traffic lanes” when projected ADT is greater than 15,000. The proposed language now includes an option for “a different lane configuration” including flexibility for the use of parking lanes as driving lanes. The change in lane configurations is necessary because recent research seems to indicate that in some situations there may be advantages to providing three lanes (two thru and one center turn lane) in lieu of four lanes. Therefore, the current requirement of capacity analysis showing a level of service D or better remains in the language but is proposed to be revised to allow options besides four lanes. This is reasonable because the proposed language provides flexibility for designers to consider three-lane, limited parking times (so that during rush

hour parking lanes become traffic lanes), four-lane, or other configuration which achieves an acceptable minimum level of service.

**8820.9946 Minimum Design Standards, Urban; Reconditioning Projects.** The engineering judgment standard is also proposed to be added to part 8820.9946 for the same reasons as was previously explained in part 9936.

**8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.**

Subps. 1, 2, and 3. Proposed change to insert “clear zone” for “recovery area” and delete the language regarding “obstacle free area” as previously explained in parts 8820.0100, subp. 3c and 8820.9920.

Subp. 2, footnote (d) and (e). Proposed amendments are made in footnotes (d) and (e). For those parts of Natural Preservation Routes (NPR's) that pass through developed (subdivided) areas, the proposed revision allows a minimum design speed of 30 MPH in lieu of 40 MPH required in an undeveloped area (as provided in Type III NPR design chart). This can be useful in avoiding impacts to adjacent natural or historic features by staying within a restricted roadway alignment. It is reasonable to make this change because drivers might expect a lower speed in subdivided areas where homes and neighborhood activity exists. Minimum shoulder widths will remain at 3 feet because it can accommodate pedestrian and bicycle traffic which often occurs in subdivided areas. The minimum 1:4 side-slope is necessary because of grass mowing in a suburban area. This change is also reasonable because it will allow roadway alignments in subdivided areas the ability to more closely follow the existing alignment if necessary, thereby potentially reducing impacts along NPR routes.

**8820.9995 Minimum Bicycle Path Standards.**

The proposed amendment adds the phrase “bike path” to the title for clarification. Additional changes are proposed in the Minimum Bicycle Path Standards Table for the following reasons.

Typical bike path underpasses (bike under roadway, railroad, etc) use prefabricated box culverts which typically come in standard clear heights at even footages. Because of the culvert segment joints, it's best to pave the bottom of the culvert to provide a smooth riding surface. The proposed revision allows up to 3 feet of pavement within the culvert. Also, the proposed language allows a shorter minimum clear height of 7'- 9" if emergency vehicles have access to either side of the underpass, which is consistent with Mn/DOT's current bikeway facility design guidance (see 5-3.6.3). Bike trial designers will be able to order standard

10' instead of 12' box culverts in order to pave the culvert bottom and meet the required clear height. A substantial cost savings is realized.

Minor revisions include:

- clarifying that the in-slope 1:2 (rise : run) is a maximum in-slope, not a minimum;
- clarifying that the vertical clearance requirement includes the area above the shoulder;
- revising the reference to MnDOT bicycle design guidance document in a more generic form;
- also clarifying that vertical clearance is required over both the lane and the shoulder.

Dated: August 8, 2011



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 361-7936

November 21, 2011

Laura Nehl-Trueman  
State Program Administrative Coordinator  
Minnesota Department of Transportation  
395 John Ireland Blvd., Suite 130  
St. Paul, MN 55155-1899

**RE: *In the Matter of the Proposed Expedited Rules Relating to Local State-Aid Route Standards, Chapter 8820;***  
**OAH Docket No. 8-3000-22409-1; Governor's Tracking No. AR 587**

Dear Ms. Nehl-Trueman:

Enclosed is an Order approving the adoption of the above-entitled rules as to legality under Minn. Stat. § 14.389.

With the approval of the adopted rules, our office has closed this file and is returning the submissions so that your agency can maintain the official rulemaking record. See, Minn. Stat. § 14.365. **Please notify our office (by Electronic and First Class Mail) if the Commissioner will rely upon his Order dated November 4, 2011, or will issue a new order.** Our office then will file three certified copies of the rules with the Secretary of State's office. The Department may publish a copy of the amendments in the State Register pursuant to Minn. Stat. § 14.386, subd. (a)(4). The amendments will be effective upon publication.

If you have any questions, please contact me at 651-361-7842.

Sincerely,

ERIC L. LIPMAN  
Assistant Chief Administrative Law Judge

Telephone: (651) 361-7842

ELL:mo  
cc: Office of the Attorney General  
Legislative Coordinating Commission  
Office of the Revisor of Statutes  
Office of the Governor

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Expedited  
Rules Relating to Local State-Aid Route  
Standards, Chapter 8820

**ORDER ON REVIEW  
OF RULES UNDER  
MINN. STAT. § 14.389  
AND MINN. R. 1400.2410**

This matter came before Administrative Law Judge Eric L. Lipman upon the application of the Minnesota Department of Transportation (Department) for a legal review under Minn. Stat. § 14.389 and Minn. R. 1400.2410.

On November 8 and 10, 2011, the Department filed documents with the Office of Administrative Hearings in support of approval of the above-entitled rules.

Based upon a review of those submissions, and the entire rulemaking record,

**IT IS HEREBY DETERMINED THAT:**

1. The typographical errors in the version of the rules published in the August 29, 2011 edition of the *State Register* did not deprive any person of a meaningful opportunity to participate in the rulemaking process. Those errors were harmless.

**IT IS HEREBY ORDERED THAT:**

1. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400.

2. The Department has the authority under Minn. Stat. §§ 162.02 and 162.09 to adopt the proposed rules using the expedited rulemaking process.

3. The adopted rules are **APPROVED**.

Dated: November 21, 2011

  
ERIC L. LIPMAN  
Administrative Law Judge

## MEMORANDUM

While the expedited rules are approved for legality, one portion of the rules is confusingly phrased, obscuring the Department's regulatory intentions. The Commissioner may wish to consider revising the rules, and his earlier order adopting those rules, so to make one additional clarification.

Proposed Minn. R. 8820.9920, subpart g, reads in part:

Except within municipal corporate limits, ten-ton staged structural design must be able to carry ten-ton axle loads except during spring load-restriction periods, or year-round if needed for system continuity....

A better phrasing of the structural design limits, and the three exceptions, might be:

Ten-ton staged structural design must be able to carry ten-ton axle loads except that this requirement does not apply within municipal corporate limits, during spring load-restriction periods or if the roadway is needed for system continuity....

Such a change is at the Commissioner's election, would be needed and reasonable and would not be substantially different than the rules as originally proposed.

E. L. L.

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW SECTION  
P. O. BOX 64620  
ST. PAUL, MN 55164-0620

**CERTIFICATE OF SERVICE**

<b>Case Title:</b> <i>In the Matter of the Proposed Expedited Rules Relating to Local State-Aid Route Standards, Chapter 8820</i>	<b>OAH Docket No. 8-3000-22409-1</b> <b>Governor's Tracking No. AR 587</b>
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Mary Osborn certifies that on Monday, November 21, 2011, she served a true and correct copy of the attached Order on Review of Rules Under Minn. Stat. § 14.389 and Minn. R. 1400.2410; by placing it in the United States mail with postage prepaid, addressed to the following individuals:

Laura Nehl-Trueeman State Program Administrative Coordinator Minnesota Department of Transportation 395 John Ireland Blvd., Suite 130 St. Paul, MN 55155-1899	Legislative Coordinating Commission 85 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155
The Honorable Lori Swanson Minnesota Attorney General 102 Capitol Building 75 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155	Brian Wietgreffe Legislative Coordinator Governors Office 130 State Capitol 75 Constitution St Paul, MN 55155
Paul Marinac Office of the Revisor of Statutes 700 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155-1297	

Susan Schleisman



Minnesota Department of Transportation

Transportation Building  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

ADMINISTRATIVE  
HEARINGS

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RECEIVED

November 30, 2011

The Honorable Eric L. Lipman  
Assistant Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Expedited Rules Relating to Local State-Aid Route Standards, Chapter 8820; OAH Docket No. 8-3000-22409-1; Governor's Tracking No. AR 587

Dear Assistant Chief Judge Lipman:

This letter is in response to your letter dated November 21, 2011. As requested in your letter, the Minnesota Department of Transportation is notifying you that the Commissioner will rely upon his Order dated November 4, 2011 and will not be revising the rules further. Please proceed with the filing of the certified copies of the rules with the Secretary of State's office.

Thank you for the review and approval of the above-entitled rules. If you have any further questions, please contact me at 651-366-3066.

Sincerely,

Laura Nehl-Trueman  
MnDOT Rule Coordinator



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

December 8, 2011

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 361-7936

Nancy Breems  
Secretary of State, Elections Division  
180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, Minnesota 55155-1299

Re: *In the Matter of the Proposed Expedited Rules Relating to Local  
State-Aid Route Standards, Chapter 8820;*

OAH Docket No. 8-3000-22409-1; Governor's Tracking No. AR 587

Dear Ms. Breems:

Pursuant to Minn. Stat. § 14.26, and Minn. R. 1400.2300, our office is filing with the Secretary of State four copies of the above-entitled adopted rules. The rules were approved for legality by our office on November 21, 2011.

Please send the agency copy of the rules to:

Laura Nehl-Trueman  
State Program Administrative Coordinator  
Minnesota Department of Transportation  
395 John Ireland Blvd., Suite 130, St. Paul, MN 55155-1899

If you have any questions regarding this matter, please feel free to contact me at (651) 361-7842.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric L. Lipman", with a horizontal line extending to the right.

Eric L. Lipman  
Administrative Law Judge

Enclosures

cc: Laura Nehl-Trueman (By Electronic Mail: [laura.nehl-trueman@state.mn.us](mailto:laura.nehl-trueman@state.mn.us))



Minnesota Department of Transportation

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Transportation Building  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

December 22, 2011

The Honorable Eric L. Lipman  
Assistant Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Expedited Rules Relating to Local State-Aid Route Standards, Chapter 8820; OAH Docket No. 8-3000-22409-1: Governor's Tracking No. AR 587

Dear Assistant Chief Judge Lipman:

As discussed, enclosed please find a copy of the Amended Order Adopting Rules for the above-entitled rules. Paragraph 5 of the amended order describes the error in the previous version of the adopted rules and explains that the department is now adopting the corrected version of the adopted rules dated December 21, 2011.

The department has notified the Office of the Secretary of State and the Office of the Governor that a corrected version of the rules will be submitted to their offices.

If you have any questions regarding this matter, please feel free to contact me at (651) 366-3066.

Sincerely,

Laura Nehl-Trueman  
MnDOT Rule Coordinator

Minnesota Department of Transportation

AMENDED ORDER ADOPTING RULES

Adoption of Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, Minnesota Rules, 8820

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BACKGROUND INFORMATION

1. The Minnesota Department of Transportation has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. Specifically, these rule amendments are adopted pursuant to the expedited rulemaking authority of Minnesota Statutes, section 14.389 and Minnesota Rules 1400.2090.

However, there was one technical error that occurred in the publication of the proposed rules in the State Register. In part 8820.9920, the strikeouts and underlines for the chart headings were inadvertently omitted in the published version of the proposed rules. The department noticed the omission after the comment period had expired. At that point, the department contacted the editor of the State Register, Robin Panlener, who apologized for the omission and stated that it was an error on the part of the State Register and that they should have caught the omission in their proofing of the document prior to publication. Normally, all amendments carry through from the Revisor's Office to the State Register, but for some reason these few edits did not carry over. (See attached copy of proposed rules as certified.)

The department asserts that the State Register omission of the strikeout and the underlines in the chart heading for part 8820.9920 is a harmless error under Minnesota Statutes, section 14.26, subdivision 3, paragraph (d) in that the omission did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process. The department received five comments on the rule none of which mentioned the omission. In addition, it should also be noted that the text for the footnotes referenced in the chart did contain the correct strikeouts and underlines and therefore, did not deprive the public of the department's intention regarding amendments to part 8820.9920. Furthermore, the rules are technical rules geared toward city and county engineers, many of whom have previously reviewed the rules through the rules advisory committee required under Minnesota Statutes, sections 162.02, subd. 2(a) and 162.09, subd. 2(a). Finally, the Notice of Adoption in the State Register will adopt the rule with the proposed modifications which will include the omitted strikeouts and underlines from part 8820.9920.

2. The agency received five written comments and submissions on the rules. Two comments pointed out a typographical error in the Justification Memorandum, two comments suggested amendments for a future rulemaking and the fifth comment indicated that a modification needed to be made to part 8820.9936. The department agrees with the comment and is proposing a modification to part 8820.9936 as further explained in paragraph three of this Order. The agency received no requests for notice of submission to the Office of Administrative Hearings.

3. The agency made a modification to rule part 8820.9936. A comment received from the public pointed out that the phrase "or shoulder-width" should be removed from the paragraph added in part 8820.9936, Minimum Design Standards, Urban: New or Reconstruction Projects. The department agrees with this comment since urban roadways do not include shoulders. The

amendment in part 8820.9936 was based on the same language in part 8820.9920, the rural design standards which do include a shoulder standard. Therefore, the department has deleted the phrase "or shoulder-width" from part 8820.9936. This is not a substantial change because the department is correcting a drafting oversight. With the removal of the phrase the amended language in part 8820.9936 is consistent with the urban design table which does not include shoulders. Therefore, the change is not a substantial change in that it is within the scope of the matter announced in the notice of intent to adopt rules and are in character with the issues raised in the notice, the differences are a logical outgrowth of the contents of the notice of intent to adopt and the comments submitted in response to the notice, the notice of intent to adopt provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

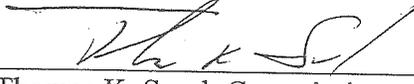
4. The rules are needed and reasonable. See attached Justification Memorandum for further explanation regarding the rule amendments.

5. The Amended Order Adopting Rules is necessary to adopt a corrected version of the modified rules. The previous Order Adopting Rules, dated November 4, 2011, adopted the October 25, 2011 modified version of the rules. After the rules were adopted and approved by the Office of Administrative Hearings, it was discovered that the October 25, 2011 version of the rules was incorrect in that the modification was made in part 8820.9920, instead of part 8820.9936. This amended order adopts the corrected version of rules, dated December 21, 2011, with the modification made in the correct rule section, part 8820.9936.

### ORDER

The above-named rules, in the form published in the State Register on August 29, 2011 with the modification as indicated in the Revisor's draft, file number AR3980, dated December 21, 2011, are adopted under my authority in Statutes, section Minnesota Statutes, sections 162.02 and 162.09.

12/21/2011  
Date

  
\_\_\_\_\_  
Thomas K. Sorel, Commissioner  
Department of Transportation

1.1 Department of Transportation

1.2 Adopted Expedited Permanent Rules Relating to Local State-Aid Route Standards

1.3 8820.0100 DEFINITIONS.

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1.4 [For text of subps 1 to 2f, see M.R.]

1.5 Subp. 3. **City engineer.** "City engineer" means a licensed professional engineer  
1.6 employed as the city engineer or the director of public works, city engineer of each urban  
1.7 municipality.

1.8 [For text of subps 3a and 3b, see M.R.]

1.9 Subp. 3c. **Clear zone.** "Clear zone" is the distance measured from the edge of the  
1.10 outside through-traffic lane, which must be free of fixed objects and meet or exceed the  
1.11 minimum in-slope dimensions indicated in the design charts of this chapter.

1.12 [For text of subps 4 and 4a, see M.R.]

1.13 Subp. 5. **County highway engineer.** "County highway engineer" means a licensed  
1.14 professional engineer employed as the county highway engineer, county engineer, or the  
1.15 director of public works, county engineer of each county.

1.16 [For text of subps 6 to 13a, see M.R.]

1.17 Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or  
1.18 rehabilitation of the pavement structure to extend the life of the roadway and effectively  
1.19 address critical safety and operations needs through minor improvements to the existing  
1.20 facility. Reconditioning projects generally utilize the existing horizontal and vertical  
1.21 alignment, may entail minor widening or geometric improvement, and normally require  
1.22 little or no additional right-of-way. Reconditioning may include changes in vertical or  
1.23 horizontal alignment involving no more than 20 percent of the length of the project.  
1.24 Reconditioning may include curb replacement along no more than 20 percent of the  
1.25 length of the project, not including curb replacement for purposes of the Americans with

2.1 Disabilities Act of 1990, United States Code, title 42, section 12101 et seq. Work does not  
2.2 normally extend beyond the existing ditch bottom.

2.3 [For text of subps 13c to 22, see M.R.]

2.4 **8820.1500 CONSTRUCTION FUNDS.**

2.5 Subpart 1. [Repealed by amendment, 8 SR 2146]

2.6 Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to  
2.7 the execution of a contract that includes a requirement for bond, and a payment request,  
2.8 the commissioner shall promptly release from the funds available to the county or urban  
2.9 municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt  
2.10 of a signed supplemental agreement, including by means of an electronic signature, for a  
2.11 major addition to the contract, or appraised values for additional right-of-way costs, the  
2.12 commissioner shall promptly release from the funds available to the county or urban  
2.13 municipality up to 95 percent of the state-aid portion of the supplemental agreement or  
2.14 right-of-way appraised value. The commissioner shall keep the remaining percentage of  
2.15 the state-aid share of the contract, except of approved right-of-way claims which will be  
2.16 paid in full upon proof of acquisition and availability of funds, until the project is 95  
2.17 percent or more completed as substantiated and requested by the county or city engineer.

2.18 Upon receipt of the final project acceptance and final cost determination by the county  
2.19 or city engineer, and upon concurrence of project acceptance by the district state aid  
2.20 engineer, the commissioner shall promptly release from the funds available any remaining  
2.21 money due to the state-aid portion of the contract.

2.22 [For text of subps 3 to 12, see M.R.]

2.23 **8820.2500 MINIMUM STATE-AID STANDARDS.**

2.24 [For text of subps 1 to 2, see M.R.]

3.1 Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes  
3.2 must be at least 60 feet within cities and 66 feet in rural areas, except that the right-of-way  
3.3 may be less for routes that are within a city, that were constructed before November 13,  
3.4 1995, and that can be reconstructed to new construction standards within the previously  
3.5 existing right-of-way. Before construction, the governing body shall acquire control  
3.6 of the additional widths of right-of-way as may be necessary to properly maintain the  
3.7 ditch section, drainage structures, and the clear zone. Permanent easements for highway  
3.8 purposes are considered to be right-of-way for the purposes of this subpart.

3.9 [For text of subp 4, see M.R.]

3.10 **8820.3100 GENERAL STATE-AID LIMITATIONS.**

3.11 [For text of subp 1, see M.R.]

3.12 Subp. 2. **Lighting hazardous areas.** The cost of roadway and bridge lighting of  
3.13 locations at which accidents are likely to occur or are otherwise hazardous is an eligible  
3.14 expense if that lighting:

3.15 [For text of items A and B, see M.R.]

3.16 [For text of subps 3 to 9, see M.R.]

3.17 Subp. 9a. [See repealer.]

3.18 [For text of subp 10, see M.R.]

3.19 **8820.3200 LOCAL ROAD RESEARCH BOARD.**

3.20 Subpart 1. **Appointment.** The commissioner shall appoint a local road research  
3.21 board consisting of the following members:

3.22 [For text of items A and B, see M.R.]

3.23 C. two Department of Transportation staff engineers, one of whom must be the  
3.24 department's state-aid engineer;

4.1 [For text of items D and E, see M.R.]

4.2 Subp. 2. **Terms.** Appointments of county highway and city engineers, except for  
 4.3 unexpired terms, are for four years. The other members shall serve at the will of the  
 4.4 commissioner.

4.5 [For text of subp 3, see M.R.]

4.6 **8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN**  
 4.7 **UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.**

4.8 New or reconstruction projects for rural and suburban undivided roadways must meet  
 4.9 or exceed the minimum dimensions indicated in the following design chart.

Projected ADT (a)	Lane Width	Shoulder Width	In- slope (b)	Clear Zone (c)	Design Speed (d)	Sur- facing	Structural Design Strength	Bridges to Remain (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
150-299	12	4	1:4	15	40-60	Agg./ Paved	7-ton/ 10-ton	Staged (g) 28
300-749	12	4	1:4	15	40-60	Paved	10-ton	Staged (g) 28
750-1499	12	4	1:4	25	40-60	Paved	10-ton	Staged (g) 28
1500 and over	12	6(f)	1:4	30	40-60	Paved	10	30

4.29 Engineering judgment may be used to choose a lane-width or shoulder-width  
 4.30 dimension other than the widths indicated in the chart for roadways. Factors to consider  
 4.31 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly

5.1 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
5.2 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
5.3 Widths less than those indicated in the chart require a variance in accordance with parts  
5.4 8820.3300 and 8820.3400.

5.5 For rural divided roadways, use the geometric design standards of the Mn/DOT  
5.6 Road Design Manual, with a minimum ten tons structural design and minimum 40 mph  
5.7 design speed.

5.8 (a) Use the existing traffic for highways not on the state-aid system.

5.9 (b) Applies to slope within the clear zone only.

5.10 (c) Culverts with less than 30-inch vertical height allowed without protection in  
5.11 the clear zone.

5.12 Guardrail is required to be installed at all bridges where the design speed exceeds  
5.13 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than  
5.14 the sum of the lane and shoulder widths.

5.15 Mailbox supports must be in accordance with chapter 8818.

5.16 For roadways in suburban areas as defined in part 8820.0100, the clear zone may be  
5.17 reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected  
5.18 ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or less, the clear  
5.19 zone may be reduced to a width of ten feet.

5.20 (d) Subject to terrain. In suburban areas, the minimum design speed may be equal to  
5.21 the current legal posted speed where the legal posted speed is 30 mph or greater.

5.22 (e) Inventory rating of H 15 is required. A bridge narrower than these widths may  
5.23 remain in place if the bridge is not deficient structurally or hydraulically.

5.24 (f) Shoulders are required to be a minimum width of eight feet for highways classified  
5.25 as minor arterials and principal arterials with greater than 1,500 ADT projected, at least  
5.26 two feet of which must be paved.

6.1 (g) Except within municipal corporate limits, ten-ton staged structural design must be  
 6.2 able to carry ten-ton axle loads except during spring load-restriction periods, or year-round  
 6.3 if needed for system continuity. Roadbed width must accommodate ultimate ten-ton  
 6.4 pavement overlay thickness and ultimate 1:4 side-slope. Within municipal corporate  
 6.5 limits, minimum structural design must support nine-ton axle strength.

6.6 Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

6.7 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
 6.8 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
 6.9 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new  
 6.10 or reconstructed bridges must be no less than either the minimum required lane plus  
 6.11 shoulder widths or the proposed lane plus shoulder widths, whichever is greater, but in no  
 6.12 case less than the minimum lane widths plus four feet, and in no case less than required  
 6.13 per Minnesota Statutes, section 165.04.

6.14 For roundabout design, the design criteria of the current edition of the Minnesota  
 6.15 State Aid Roundabout Guide are recommended.

6.16 **8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE**  
 6.17 **REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND**  
 6.18 **APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED**  
 6.19 **ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.**

6.20 New bridge, bridge replacement, or bridge rehabilitation projects and approach  
 6.21 roadways on rural or suburban undivided roadways that are not on the state-aid system  
 6.22 must meet or exceed the minimum dimensions indicated in the following design chart.

Existing ADT	Lane Width	Shoulder	Inslope	Clear Zone	Design Speed
(a)	(feet)	Width	(b)	(c)	(d)
	(feet)	(feet)	(rise: run)	(feet)	(mph)
0-49	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	12	4	1:4	15(e)	30-60

7.1 Engineering judgment may be used to choose a lane-width or shoulder-width  
7.2 dimension other than the widths indicated in the chart for roadways. Factors to consider  
7.3 may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm  
7.4 equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic,  
7.5 other nonmotorized uses, functional classification, or other factors. Widths less than  
7.6 those indicated in the chart require a variance in accordance with parts 8820.3300 and  
7.7 8820.3400.

7.8 (a) For existing ADT greater than 400, part 8820.9920 standards apply.

7.9 (b) Applies to slope within the clear zone only.

7.10 (c) Culverts with less than 30-inch vertical height allowed without protection in  
7.11 the clear zone.

7.12 (d) Subject to terrain.

7.13 (e) For roadways in suburban areas, the clear zone may be reduced to a width of ten  
7.14 feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over.  
7.15 Wherever the legal posted speed limit is 40 miles per hour or less, the clear zone may  
7.16 be reduced to a width of ten feet.

7.17 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
7.18 and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18  
7.19 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new  
7.20 or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in  
7.21 no case less than the minimum lane width plus four feet, and in no case less than required  
7.22 per Minnesota Statutes, section 165.04.

7.23 Bridge structures of minimum 20-foot clear width may be constructed where existing  
7.24 ADT is less than 50, potential for increasing ADT is low, and the local government  
7.25 agency finds that the bridge width can operate effectively at that width for the expected  
7.26 life of the bridge.

8.1 **8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR**  
 8.2 **RECONSTRUCTION PROJECTS.**

8.3 New or reconstruction projects for urban roadways must meet or exceed the minimum  
 8.4 dimensions indicated in the following design chart.

8.5 Functional Classification and Projected Traffic Volume	8.6 Design Speed	8.7 Lane Width (a)	8.8 Curb Reaction Distance (e)	8.9 Parking Lane Width
	mph	feet	feet	feet
8.10 Collectors or Locals with ADT < 10000	30-40	(b) 11	2	8
8.11	over 40	12	2	10
8.12 Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
8.13	over 40	12	(c) 4	(d) 10

8.17 Engineering judgment may be used to choose a lane-width or ~~shoulder-width~~  
 8.18 dimension other than the widths indicated in the chart for roadways. Factors to consider  
 8.19 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
 8.20 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
 8.21 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
 8.22 Widths less than those indicated in the chart require a variance in accordance with parts  
 8.23 8820.3300 and 8820.3400.

8.24 (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if  
 8.25 the design speed is over 40 mph.

8.26 (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

8.27 (c) May be reduced to two feet if there are four or more traffic lanes and on one-way  
 8.28 streets.

8.29 (d) No parking is allowed for six or more traffic lanes or when the posted speed  
 8.30 limit exceeds 45 mph.

9.1 (e) Curb reaction must be provided only where parking is not provided.

9.2 One-way streets must have at least two through-traffic lanes.

9.3 When a median is included in the design of the two-way roadway, a one-foot reaction  
9.4 distance to the median is required on either side of the median. Minimum median width is  
9.5 four feet.

9.6 Urban design roadways must be a minimum nine tons structural axle load design.

9.7 Roadways not on the state-aid system are not subject to the minimum structural  
9.8 design strength requirements.

9.9 The minimum curb-to-curb width of a new bridge must be the required street width,  
9.10 but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading  
9.11 with AASHTO Standard Specifications or HL-93 loading with load and resistance factor  
9.12 design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18  
9.13 loading is required for all rehabilitated bridges. Where the new bridge approach roadway  
9.14 includes elements for the accommodation of pedestrians or bicycles, the new bridge  
9.15 width must also provide for pedestrians or bicycles unless pedestrians or bicycles are  
9.16 otherwise accommodated.

9.17 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
9.18 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
9.19 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
9.20 curb reaction distance.

9.21 Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when  
9.22 the posted speed is 40 to 45 mph. A ten-foot clear zone measured from the driving lane  
9.23 must be provided when the posted speed exceeds 45 mph.

9.24 For volumes greater than 15,000 projected ADT, at least four through-traffic lanes  
9.25 are required, unless a capacity analysis demonstrates that a different lane configuration  
9.26 achieves level of service D or better.

10.1 "Level of service" has the meaning given it in the Highway Capacity Manual, Special  
 10.2 Report 209, as revised and published by the Transportation Research Board of the National  
 10.3 Research Council, Washington, D.C. The definition is incorporated by reference, is not  
 10.4 subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr.  
 10.5 Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

10.6 For roundabout design, the design criteria of the current edition of the Minnesota  
 10.7 State Aid Roundabout Guide are recommended.

10.8 **8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING**  
 10.9 **PROJECTS.**

10.10 Subpart 1. **Two-way streets.** In the following design chart, total width is from  
 10.11 face-to-face of curbs.

10.12 Reconditioning projects for two-way urban roadways must meet or exceed the  
 10.13 minimum dimensions indicated in the chart.

	Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
10.14	2-Lane Collector or Local	26	32	38	(b) 9
10.15	with ADT < 10000				
10.16	4-Lane Collector or Local	44	52	60	(b) 9
10.17	with ADT < 10000				
10.18	2-Lane Collector or Local	26	32	42	9
10.19	with ADT ≥ 10000 or				
10.20	2-Lane Arterial (a)				
10.21	4-Lane Collector or Local	44	54	64	9
10.22	with ADT ≥ 10000 or				
10.23	4-Lane Arterial				
10.24	6-Lane Collectors or	66	(c)	(c)	9
10.25	Arterials				

11.1 Engineering judgment may be used to choose a lane-width or shoulder-width  
11.2 dimension other than the widths indicated in the chart for roadways. Factors to consider  
11.3 may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly  
11.4 traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic,  
11.5 pedestrian traffic, other nonmotorized uses, functional classification, or other factors.  
11.6 Widths less than those indicated in the chart require a variance in accordance with parts  
11.7 8820.3300 and 8820.3400.

11.8 (a) Permissible for present traffic volumes less than 15,000 ADT.

11.9 (b) When ADT is less than 5,000, seven tons is allowable.

11.10 (c) No parking is allowed.

11.11 When a median is included in the design of the two-way roadway, a one-foot reaction  
11.12 distance to the median is required on either side of the median. Minimum median width is  
11.13 four feet.

11.14 For ADT less than 150, the widths of bridges to remain must be at least the sum of  
11.15 the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must  
11.16 be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and  
11.17 curb reaction distance.

11.18 For roundabout design, the design criteria of the current edition of the Minnesota  
11.19 State Aid Roundabout Guide are recommended.

11.20 [For text of subps 2 and 3, see M.R.]

11.21 **8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION**  
11.22 **ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN**  
11.23 **NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE**  
11.24 **PARKS; NEW OR RECONSTRUCTION PROJECTS.**

11.25 Subpart 1. **Type I route.** New or reconstruction projects for type I natural  
11.26 preservation routes, designated national forest highways within national forests, and

12.1 state park access roads within state parks must meet or exceed the minimum dimensions  
12.2 indicated in the following design chart.

12.3	Surface	Design	Lane	Shoulder	Inslope	Clear Zone	Design	Bridge to
12.4	Type	Speed	Width	Width	(rise:	(feet)	Strength	Remain
12.5		(mph)	(feet)	(feet)	run)		(tons)	(feet)
12.6								
12.7			(a)	(b)	(c)			(d)
12.8	Aggregate	30	11	1	1:3	3		22
12.9	Paved	30	11	2	1:3	9	9	22

12.10 (a) If the route has scenic vistas that will require parking vehicles along the shoulder,  
12.11 widening the shoulder at these locations is acceptable. The designer will provide a  
12.12 four-foot paved shoulder if the route is a popular bicycle route.

12.13 (b) Applies to slope within the clear zone only. Other design features, such as  
12.14 guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of  
12.15 reconstructing the inslope in accordance with part 8820.4060.

12.16 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
12.17 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
12.18 of the lane and shoulder widths.

12.19 Mailbox supports must be in accordance with chapter 8818.

12.20 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
12.21 remain in place if the bridge is not deficient structurally or hydraulically.

12.22 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
12.23 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
12.24 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
12.25 bridges is the sum of the lane and shoulder widths plus four feet.

12.26 Ditch depths and widths must be kept to the minimum required to function  
12.27 hydraulically and to provide for adequate snow storage when a standard ditch would  
12.28 negatively impact the surroundings.

13.1 The designer shall specify in the plan and special provisions that the clearing width is  
 13.2 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
 13.3 contractor for working room is zero unless otherwise required for special conditions.

13.4 Curb and gutter may be used in lieu of a ditch section under the paved option. The  
 13.5 lane width, shoulder width, and clear zone must be maintained.

13.6 For designated national forest highways within national forests, and state park access  
 13.7 roads within state parks, this subpart applies only where the projected ADT is less than  
 13.8 100, unless the route has been designated as a natural preservation route.

13.9 For roundabout design, the design criteria of the current edition of the Minnesota  
 13.10 State Aid Roundabout Guide are recommended.

13.11 Subp. 2. **Type II route.** New or reconstruction projects for type II natural  
 13.12 preservation routes, designated national forest highways within national forests, and  
 13.13 state park access roads within state parks must meet or exceed the minimum dimensions  
 13.14 indicated in the following design chart.

Surface Type	Design Speed (mph)	Lane Width (feet)	Shoulder Width (feet)	Inslope (rise:run)	Clear Zone (feet)	Design Strength (tons)	Bridge to Remain (feet)
		(a)	(b)	(c)			(d)
Aggregate	30	11	2	1:3	9		22
Paved (e)	30	11	3	1:4	9	9	22
Paved	40	11	3	1:4	9	9	22

13.23 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
 13.24 bicycle route. If the route has scenic vistas that will require parking vehicles along the  
 13.25 shoulder, widening the shoulder at these locations is acceptable.

13.26 (b) Applies to slope within clear zone only. Other design features, such as guardrail  
 13.27 or retaining walls, should be considered in particularly sensitive areas in lieu of

14.1 reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must  
14.2 be 1:4 or flatter within the clear zone when the ADT exceeds 400.

14.3 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
14.4 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
14.5 of the lane and shoulder widths.

14.6 Mailbox supports must be in accordance with chapter 8818.

14.7 (d) This standard may be applied only when the project is located in a subdivided area.

14.8 (e) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
14.9 remain in place if the bridge does not qualify for federal-aid bridge funds.

14.10 HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load  
14.11 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required  
14.12 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
14.13 bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

14.14 Ditch depths and widths must be kept to the minimum required to function  
14.15 hydraulically, to be traversable if within the clear zone, and to provide for adequate snow  
14.16 storage when a standard ditch would negatively impact the surroundings.

14.17 The designer shall specify in the plan and special provisions that the clearing width is  
14.18 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
14.19 contractor for working room is zero unless required for special conditions.

14.20 For designated national forest highways within national forests, and state park access  
14.21 roads within state parks, this subpart may be applied only where the projected ADT is less  
14.22 than 300, unless the route has been designated as a natural preservation route.

14.23 For roundabout design, the design criteria of the current edition of the Minnesota  
14.24 State Aid Roundabout Guide are recommended.

14.25 Subp. 3. **Type III route.** New or reconstruction projects for type III natural  
14.26 preservation routes, designated national forest highways within national forests, and

15.1 state park access roads within state parks must meet or exceed the minimum dimensions  
 15.2 indicated in the following design chart.

15.3	Surface	Design	Lane	Shoulder	Inslope	Clear Zone	Design	Bridge to
15.4	Type	Speed	Width	Width			Strength	Remain
15.5		(mph)	(feet)	(feet)	(rise:	(feet)	(tons)	(feet)
15.6					run)			
15.7			(a)	(b)	(c)			(d)
15.8	Aggregate	30	12	3	1:4	10		24
15.9	Paved (e)	30	12	4	1:4	10	9	24
15.10	Paved	40	12	4	1:4	15	9	24

15.11 (a) The designer will provide a six-foot paved shoulder if the route is a popular  
 15.12 bicycle route. If the route has scenic vistas which will require parking vehicles along the  
 15.13 shoulder, widening the shoulder at these locations is acceptable.

15.14 (b) Applies to slope within the clear zone only. Other design features, such as  
 15.15 guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of  
 15.16 reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must  
 15.17 be 1:4 or flatter within the clear zone when the ADT exceeds 400.

15.18 (c) Guardrail is required to be installed at all bridges where the design speed exceeds  
 15.19 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum  
 15.20 of the lane and shoulder widths.

15.21 Mailbox supports must be in accordance with chapter 8818.

15.22 (d) Inventory rating of HS 15 is required. A bridge narrower than these widths may  
 15.23 remain in place if the bridge does not qualify for federal-aid bridge funds.

15.24 (e) This standard may be applied only when the project is located in a subdivided  
 15.25 area or an area in a detailed development process, and physical restraints are present that  
 15.26 prevent reasonable application of another level of these standards.

15.27 HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load  
 15.28 and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required

16.1 for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed  
16.2 bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

16.3 Ditch depths and widths must be kept to the minimum required to function  
16.4 hydraulically, to be traversable if within the clear zone, and to provide for adequate snow  
16.5 storage when a standard ditch would negatively affect the surroundings.

16.6 The designer shall specify in the plan and special provisions that the clearing width is  
16.7 to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a  
16.8 contractor for working room is zero unless required for special conditions.

16.9 For roundabout design, the design criteria of the current edition of the Minnesota  
16.10 State Aid Roundabout Guide are recommended.

16.11 **8820.9995 MINIMUM BICYCLE PATH STANDARDS.**

16.12 Minimum Bicycle Path Standards<sup>(a)</sup>

16.13 For Off-Road Bike Path Design, the following shall apply:	
16.14 Minimum Surface Width (two-way)	8 ft (b)
16.15 Shoulder/Clear Zone	2 ft (c) (d)
16.16 Inslope	Maximum 1:2 (rise:run)
16.17 Design Speed	20 mph (e)
16.18 Vertical Clearance over lane and 16.19 shoulder	9 ft-9 in (7 ft-9 in if passage of emergency or maintenance vehicles is not required)

16.20 (a) For on-road bicycle facilities, the current Minnesota Department of Transportation  
16.21 bicycle design guidelines are recommended for design purposes.

16.22 (b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required  
16.23 for a one-way bicycle path.

16.24 (c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be  
16.25 carried across bridges and through underpasses. Minimum structure clear width must be  
16.26 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear  
16.27 zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety

17.1 railing is required at each end of the bridge or underpass. As an alternative to lead-in  
17.2 bicycle safety railing, the surface width of the approach bike path may be narrowed at a  
17.3 1:50 taper while maintaining minimum surface width and shoulder/clear zone through  
17.4 the structure.

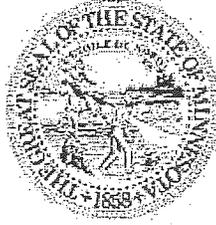
17.5 (d) Clear zone is measured from the edge of the bicycle travel lane.

17.6 (e) Use a 30 mph design speed for grades longer than 500 feet and greater than four  
17.7 percent, from the uphill point where the grade equals four percent to 500 feet beyond the  
17.8 downhill point where the grade becomes less than four percent. The maximum allowable  
17.9 grade is 8.3 percent.

17.10 **REPEALER.** Minnesota Rules, part 8820.3100, subpart 9a, is repealed.

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Expedited Permanent Rules Relating to Local State-Aid Route Standards

**AGENCY:** Department of Transportation

**MINNESOTA RULES:** Chapter 8820

RULE APPROVED  
OFFICE OF ADMINISTRATIVE HEARINGS

December 20, 2011  
DATE

*[Signature]*  
ADMINISTRATIVE LAW JUDGE.

The attached rules are approved for  
filing with the Secretary of State

*[Signature]*  
Karen L. Lenertz  
Assistant Deputy Revisor

1201458



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

December 28, 2011

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 361-7936

Nancy Breems  
Secretary of State, Elections Division  
180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, Minnesota 55155-1299

Re: *In the Matter of the Proposed Expedited Rules Relating to Local  
State-Aid Route Standards, Chapter 8820;*

OAH Docket No. 8-3000-22409-1; Governor's Tracking No. AR 587.

Dear Ms. Breems:

Pursuant to Minn. Stat. § 14.26, and Minn. R. 1400.2300, our office is filing with the Secretary of State four copies of the above-entitled and amended rules (AR 3980). The rules were approved for legality by our office on November 21, 2011.

Please send the agency copy of the rules to:

Laura Nehl-Trueman  
State Program Administrative Coordinator  
Minnesota Department of Transportation  
395 John Ireland Blvd., Suite 130, St. Paul, MN 55155-1899

If you have any questions regarding this matter, please feel free to contact me at (651) 361-7842.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric L. Lipman".

Eric L. Lipman  
Administrative Law Judge

Enclosures

cc: Laura Nehl-Trueman (By Electronic Mail: [laura.nehl-trueman@state.mn.us](mailto:laura.nehl-trueman@state.mn.us))

## Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Transportation (Mn/DOT) Adopted Expedited Permanent Rules Relating to Local State-Aid Route Standards

The rules proposed and published at *State Register*, Volume 36, Number 6, pages 180-191, August 29, 2011 (36 SR 180), and *State Register*, Volume 36, Number 30, page 927, February 13, 2012 (36 SR 927), are adopted with the following modifications:

### 8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e)	Parking Lane Width
	mph	feet	feet	feet
Collectors or Locals with ADT < 10000	30-40	(b) 11	2	8
	over 40	12	2	10
Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

Engineering judgment may be used to choose a lane-width or ~~shoulder-width~~ dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

- (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 mph.
- (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.
- (c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.
- (d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.
- (e) Curb reaction must be provided only where parking is not provided.

## Expedited Rules

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One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must be a minimum nine tons structural axle load design.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45 mph. A ten-foot clear zone measured from the driving lane must be provided when the posted speed exceeds 45 mph.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better.

“Level of service” has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

# Errata

Corrections to agency or *State Register* errors in rules, or in following the rulemaking process, as well as incomplete notices, mislabeled rules, incorrect notice and citations will appear in this section. Whenever an error is corrected in this section, its corresponding rules number(s) will also appear in the *State Register's* index to rulemaking activity: *Minnesota Rules: Amendments and Additions*.

**KEY: Proposed Rules - Underlining** indicates additions to existing rule language. **Strikeouts** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "All New Material." **Adopted Rules - Underlining** indicates additions to proposed rule language. **Strikeouts** indicate deletions from proposed rule language.

## Minnesota Department of Transportation (Mn/DOT) Correction to Proposed Expedited Permanent Rule Relating to Local State-Aid Route Standards

The rules proposed and published at *State Register*, Volume 36, Number 6, pages 180-191, August 29, 2011 (36 SR 180), contained the following chart with certain parts missing strikeouts. Below is the corrected version.

### 8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Projected ADT (b) (a)	Lane Width feet	Shoulder Width (e)	In- slope (c) (b)	Recovery Area (d) Clear Zone (c)	Design Speed (c) (d)	Surfacing	Structural Design Strength (h)	Bridges to Remain (f) (e) Width Curb to Curb feet
0-49	11	1	rise: run 1:3	7	30-60	Agg.	tons	22
50-149	11	3	1:4	9	40-60	Agg.		22
<u>150-299</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>15</u>	<u>40-60</u>	<u>Agg./Paved</u>	<u>7-ton/10-ton</u>	<u>28</u>
<del>150</del> <u>300-</u> 749	12	4	1:4	15	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
750-1499	12	4	1:4	25	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
1500 and over	12	<del>6</del> <u>6(f)</u>	1:4	30	40-60	Paved	10	30

## Errata

Corrections to agency or *State Register* errors in rules, or in following the rulemaking process, as well as incomplete notices, mislabeled rules, incorrect notice and citations will appear in this section. Whenever an error is corrected in this section, its corresponding rules number(s) will also appear in the *State Register's* index to rulemaking activity: *Minnesota Rules: Amendments and Additions*.

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## Minnesota Department of Transportation (Mn/DOT) Correction to Proposed Expedited Permanent Rule Relating to Local State-Aid Route Standards

The rules proposed and published at *State Register*, Volume 36, Number 30, page 927, February 13, 2012 (36 SR 927), contained the following chart in which the title of column 5 stated the words "Clear Zone (c)" with strikeouts. It should be underlined instead.

### 8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Projected ADT (b) (a)	Lane Width	Shoulder Width (g)	In- slope (e) (b)	Recovery Area (d) Clear Zone (c)	Design Speed (e) (d)	Surfacing	Structural Design Strength (ft)	Bridges to Remain (f) (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
<u>150-299</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>15</u>	<u>40-60</u>	<u>Agg./Paved</u>	<u>7-ton/10-ton</u>	<u>28</u>
<del>150-300-</del> 749	12	4	1:4	15	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
750-1499	12	4	1:4	25	40-60	Paved	<u>9 10-ton</u> <u>Staged (g)</u>	28
1500 and over	12	<del>6(g)</del> <u>6(f)</u>	1:4	30	40-60	Paved	10	30