

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

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IN THE MATTER OF:

ORDER NO. 88678

METROPOLITAN COUNCIL'S  
REQUEST TO OPERATE TRANSIT &  
METRO MOBILITY BUSES ON THE SHOULDERS  
OF FREEWAYS AND EXPRESSWAYS

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WHEREAS, the Commissioner of Transportation (Commissioner) granted permission to transit buses in 1991 to use the shoulders of freeways and expressways in the metropolitan area.

WHEREAS, the Minnesota Legislature (Legislature) enacted Minn. Stat. §169.306 in 2002 to expressly permit transit buses to utilize the shoulder of a freeway or expressway, as defined in Minn. Stat. §160.02, in the seven-county metropolitan area subject to the consent of the Commissioner.

WHEREAS, the 2002 Legislature also authorized the Commissioner to permit buses operated by motor carriers of passengers with a seating capacity of 40 or more passengers as defined in Minn. Stat. §221.011, subdivision 48 to utilize the shoulder of a freeway or expressway while the motor carrier is engaged in intrastate commerce.

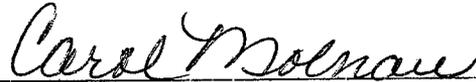
WHEREAS, in 2005, the Legislature amended Minn. Stat. §169.306 to authorize the Commissioner to permit Metro Mobility buses as defined in Minn. Stat. §169.306, paragraph (d) to utilize the shoulder of a freeway or expressway in the seven-county metropolitan area effective May 11, 2005.

**ORDER**

1. In accordance with the amended Minn. Stat. §169.306, the Commissioner hereby grants permission to transit buses and Metro Mobility buses to utilize the shoulder of a freeway or expressway as defined in Minn. Stat. §160.02, in the seven-county metropolitan area.
2. In addition, the Commissioner hereby grants permission to buses with a seating capacity of 40 or more passengers operated by motor carriers of passengers, as defined in Minn. Stat. §221.011, subd. 48, to utilize the shoulder of a freeway or expressway as defined in Minn. Stat. §160.02 in the seven-county metropolitan area while operating in intrastate commerce.

3. In accordance with Minnesota Department of Transportation (Department) practices, buses with a seating capacity of 40 or more passengers operated by a motor carrier of passengers must register with the Department prior to driving on the shoulder of a freeway or expressway. Those motor carriers of passengers already registered with the Department need not register again.
4. All buses operating on the shoulder of a freeway or expressway must abide by the requirements set forth in Minn. Stat. §169.306, paragraph (c).
5. This Order is effective immediately upon signature by the Commissioner, or the Commissioner's designee.

**BY ORDER OF:**



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Carol Molnau  
Lt. Governor/Commissioner  
Minnesota Department of Transportation

**DATE:** 8-9-05