

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2409

(SENATE AUTHORS: DZIEDZIC and Dibble)

DATE	D-PG	OFFICIAL STATUS
03/08/2016	4915	Introduction and first reading Referred to Transportation and Public Safety
04/04/2016	5482	Comm report: To pass
	5515	Second reading

1.1

A bill for an act

1.2

relating to transportation; modifying various provisions regulating the

1.3

establishment and use of bikeways; amending Minnesota Statutes 2014, sections

1.4

85.016; 160.02, subdivision 27, by adding subdivisions; 160.262, subdivisions

1.5

1, 3, 4; 160.266, subdivisions 2, 3, 4, 5, by adding subdivisions; 161.21,

1.6

subdivision 1; repealing Minnesota Statutes 2014, sections 160.262, subdivision

1.7

2; 160.265, subdivisions 1, 2; 160.266, subdivision 1; Minnesota Rules,

1.8

parts 8810.6000; 8810.6100; 8810.6300; 8810.6400; 8810.6500; 8810.6600;

1.9

8810.6700; 8810.6800; 8810.6900; 8810.7000; 8810.9910; 8810.9911;

1.10

8810.9912; 8810.9913.

1.11

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12

Section 1. Minnesota Statutes 2014, section 85.016, is amended to read:

1.13

85.016 BICYCLE TRAIL PROGRAM.

1.14

The commissioner of natural resources shall establish a program for the development

1.15

of bicycle trails utilizing the state trails authorized by section 85.015, other state parks

1.16

and recreation land, and state forests. "Bicycle trail," as used in this section, has the

1.17

meaning given in section 169.011. The program shall be coordinated with the local park

1.18

trail grant program established by the commissioner pursuant to section 85.019, with the

1.19

~~bikeway program~~ state bicycle routes established by the commissioner of transportation

1.20

pursuant to section ~~160.265~~ 160.266, and with existing and proposed local bikeways.

1.21

In the metropolitan area as defined in section 473.121, the program shall be developed

1.22

in accordance with plans and priorities established by the Metropolitan Council. The

1.23

commissioner shall provide technical assistance to local units of government in planning

1.24

and developing bicycle trails in local parks. The bicycle trail program shall, as a

1.25

minimum, describe the location, design, construction, maintenance, and land acquisition

1.26

needs of each component trail ~~and shall give due consideration to the model standards~~

2.1 ~~for the establishment of recreational vehicle lanes promulgated by the commissioner~~
2.2 ~~of transportation pursuant to section 160.262.~~ The program shall be developed after
2.3 consultation with the state trail council and regional and local units of government and
2.4 bicyclist organizations.

2.5 Sec. 2. Minnesota Statutes 2014, section 160.02, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 1a. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, shared use path,
2.8 bicycle route, or similar bicycle facility, regardless of whether designed for the exclusive
2.9 use of bicycles or for shared use with other transportation modes.

2.10 Sec. 3. Minnesota Statutes 2014, section 160.02, subdivision 27, is amended to read:

2.11 Subd. 27. **Roadway; bicycle lane; bicycle route; bicycle path; bikeway.** The
2.12 terms "roadway," "bicycle lane," "bicycle route," and "bicycle path," ~~and "bikeway"~~ have
2.13 the meanings given in section 169.011.

2.14 Sec. 4. Minnesota Statutes 2014, section 160.02, is amended by adding a subdivision
2.15 to read:

2.16 Subd. 27a. **Shared use path.** "Shared use path" means a bicycle facility that is (1)
2.17 physically separated from motorized vehicular traffic by an open space or barrier, (2)
2.18 located within either the highway right-of-way or an independent right-of-way, and (3)
2.19 available for use by other nonmotorized users.

2.20 Sec. 5. Minnesota Statutes 2014, section 160.262, subdivision 1, is amended to read:

2.21 Subdivision 1. ~~**Model standards Powers.**~~ (a) The legislature determines that it is
2.22 in the interests of the public health, safety and welfare, to provide for the addition of
2.23 ~~bicycle and recreational vehicle lanes~~ bikeways to proposed and existing public highways.
2.24 ~~The commissioner of transportation shall adopt, in the manner provided in chapter 14,~~
2.25 ~~model standards for the establishment of recreational vehicle lanes on and along proposed~~
2.26 ~~and existing public highways. The model standards shall include but not be limited to~~
2.27 ~~the following: (a) criteria for desirability of a lane in any given location, (b) provision~~
2.28 ~~for maintenance of the lanes, and (c) the placement of the lanes in relation to roads. The~~
2.29 ~~model standards shall govern state trunk highways.~~ The commissioner of transportation
2.30 is authorized to plan, design, establish, and maintain bikeways on the right-of-way of
2.31 any trunk highway. The commissioner is responsible for the design and construction of
2.32 all bikeway projects within the right-of-way of any trunk highway. The commissioner

3.1 must consider the development of bikeways during the planning, design, construction,
3.2 reconstruction, or improvement of any trunk highway, or allow the establishment of such
3.3 bikeways within trunk highway right-of-way.

3.4 (b) The commissioner must maintain bikeway design guidelines consistent with the
3.5 state transportation goals in section 174.01.

3.6 (c) The commissioner must compile and maintain a map of bikeways in the state and
3.7 must publish and distribute the map's information at least once every two years in a form
3.8 and manner suitable to assist persons wishing to use the bikeways.

3.9 (d) The commissioner must maintain bikeways within the limits of trunk highway
3.10 right-of-way unless a written agreement or limited use permit provides otherwise.

3.11 Sec. 6. Minnesota Statutes 2014, section 160.262, subdivision 3, is amended to read:

3.12 Subd. 3. **Cooperation among agencies and governments.** The following
3.13 departments and agencies on the nonmotorized transportation advisory committee
3.14 identified in section 174.37 shall cooperate in providing provide information and advice
3.15 for amendments to the model standards the bikeway design guidelines maintained by
3.16 the commissioner of transportation: ~~the Departments of Agriculture, Transportation,~~
3.17 ~~Natural Resources, Commerce, and Employment and Economic Development, and the~~
3.18 ~~Board of Water and Soil Resources.~~ The commissioner may cooperate with and enter into
3.19 agreements with the United States government, any department of the state of Minnesota,
3.20 any unit of local government and, any tribal government, or any public or private
3.21 corporation in order to effect the purposes of this section.

3.22 Sec. 7. Minnesota Statutes 2014, section 160.262, subdivision 4, is amended to read:

3.23 Subd. 4. **Design-build bridges for nonmotorized vehicles.** For streets and
3.24 highways, the commissioner shall allow for the acceptance of performance-specification
3.25 bids, made by the lowest responsible bidder, for constructing design-build bridges for
3.26 ~~bicycle paths, bicycle trails,~~ bikeways and pedestrian facilities that are:

3.27 (1) designed and used primarily for nonmotorized transportation, but may allow for
3.28 motorized wheelchairs, golf carts, necessary maintenance vehicles and, when otherwise
3.29 permitted by law, rule, or ordinance, snowmobiles; and

3.30 (2) located apart from any road or highway or protected by barriers, provided that a
3.31 design-built bridge may cross over and above a road or highway.

3.32 Sec. 8. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
3.33 to read:

4.1 Subd. 1a. **State bicycle route; definition.** For the purposes of this section, "state
4.2 bicycle route" means a linear series of one or more roads or bikeways that is designated
4.3 for bicycle travel, regardless of whether for exclusive use by bicycles or shared use with
4.4 other modes of transportation.

4.5 Sec. 9. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
4.6 to read:

4.7 Subd. 1b. **State bicycle routes.** The commissioner of transportation must identify
4.8 state bicycle routes primarily on existing road right-of-way and trails. State bicycle
4.9 routes must be identified in cooperation with road and trail authorities, including the
4.10 commissioner of natural resources, and with the advice of the advisory committee on
4.11 nonmotorized transportation under section 174.37. In a metropolitan area, state bicycle
4.12 routes must be identified in coordination with the plans and priorities established by
4.13 metropolitan planning organizations, as defined in United States Code, title 23, section 134.

4.14 Sec. 10. Minnesota Statutes 2014, section 160.266, subdivision 2, is amended to read:

4.15 Subd. 2. ~~Creation~~ **Mississippi River Trail.** The commissioner, in cooperation with
4.16 road and trail authorities including the commissioner of natural resources, shall identify a
4.17 ~~bikeway~~ state bicycle route, to be known as the Mississippi River Trail, that originates
4.18 at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally
4.19 parallels the Mississippi River through the cities of Bemidji in Beltrami County, Grand
4.20 Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County,
4.21 Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin
4.22 County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue
4.23 County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent
4.24 in Houston County to Minnesota's boundary with Iowa and there terminates. Where
4.25 opportunities exist, the ~~bikeway~~ Mississippi River Trail may be designated on both sides
4.26 of the Mississippi River.

4.27 Sec. 11. Minnesota Statutes 2014, section 160.266, subdivision 3, is amended to read:

4.28 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation
4.29 with road and trail authorities including the commissioner of natural resources, shall:

4.30 (1) identify existing bikeways of regional significance that are in reasonable
4.31 proximity but not connected to the ~~bikeway~~ state bicycle routes established ~~in~~ under this
4.32 section, ~~including but not limited to the Lake Wobegon Trail in the counties of Stearns~~
4.33 ~~and Todd; and~~

(2) support development of linkages between ~~bikeways identified under clause (1) and the bikeway~~ state bicycle routes established ~~in~~ under this section.

(b) The requirements of this subdivision are a secondary priority for use of funds available under this section following establishment and enhancement of ~~the bikeway~~ state bicycle routes under ~~subdivision 1~~ this section.

Sec. 12. Minnesota Statutes 2014, section 160.266, subdivision 4, is amended to read:

Subd. 4. **Cooperation with other entities.** The commissioner may contract and enter into agreements with federal agencies, other state agencies, local governments, ~~and tribal governments, or private entities to establish, develop, maintain, and operate the~~ bikeway state bicycle routes and to interpret associated natural and cultural resources.

Sec. 13. Minnesota Statutes 2014, section 160.266, subdivision 5, is amended to read:

Subd. 5. **Funding.** ~~Bicycle~~ Shared use paths included within ~~the bikeway~~ state bicycle routes and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section 85.535, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Sec. 14. Minnesota Statutes 2014, section 161.21, subdivision 1, is amended to read:

Subdivision 1. **Location and design of highways.** The commissioner may make or cause to be made such studies and investigations as the commissioner deems necessary for the purpose of determining the most advantageous location and design of trunk highways from the standpoint of both present and future traffic needs, and in making such determinations the commissioner may take into consideration the probable future development of both urban and rural areas and the effect of such development on future traffic needs as indicated by such studies and investigations and the location and design with respect to ~~recreational vehicle lane~~ bikeway establishment.

Sec. 15. **REPEALER.**

(a) Minnesota Statutes 2014, sections 160.262, subdivision 2; 160.265, subdivisions 1 and 2; and 160.266, subdivision 1, are repealed.

(b) Minnesota Rules, parts 8810.6000; 8810.6100; 8810.6300; 8810.6400; 8810.6500; 8810.6600; 8810.6700; 8810.6800; 8810.6900; 8810.7000; 8810.9910; 8810.9911; 8810.9912; and 8810.9913, are repealed.

160.262 RECREATIONAL VEHICLE LANES.

Subd. 2. **Local regulations; approval for state funding.** Each county and municipality including towns having statutory city powers may adopt the model standards to govern highways under its jurisdiction and may adapt them to local circumstances. Such local regulations shall be submitted to the commissioner of transportation who shall approve them within 60 days after receipt upon finding that they meet the minimum standards established pursuant to this section. Approved local regulations shall qualify the submitting unit of government for state or state-approved funding of recreational vehicle lane projects undertaken pursuant to such regulations.

160.265 BIKEWAY PROGRAM.

Subdivision 1. **State bikeways.** The commissioner of transportation shall establish a program for the development of bikeways primarily on existing road rights-of-way. The program shall include a system of bikeways to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bikeways primarily on existing road rights-of-way. The program shall be coordinated with the local park trail grant program pursuant to section 85.019, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the statewide transportation plan pursuant to section 174.03, and with existing and proposed local bikeways. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the Metropolitan Council. The program shall be developed after consultation with the State Trail Council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bikeways in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the bikeways. The Metropolitan Council, the commissioner of natural resources, the commissioner of employment and economic development, the Minnesota Historical Society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 14.

Subd. 2. **Local bikeway grants.** The commissioner shall provide technical assistance to local units of government in planning and developing bikeways. The commissioner shall make grants to units of government as defined in section 85.019, subdivision 1, for the betterment of public land and improvements needed for local bikeways. In making grants the commissioner shall consider, among other factors, the number of bicycles in the localities. A grant shall not exceed 75 percent of the costs of the betterment of the bikeway. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the bikeway.

160.266 MISSISSIPPI RIVER TRAIL.

Subdivision 1. **Definitions.** For the purposes of this section:

- (1) "bicycle path" has the meaning given in section 169.011, subdivision 6; and
- (2) "bikeway" has the meaning given in section 169.011, subdivision 9.

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8810.6000 DEFINITIONS.

Subpart 1. **Scope.** For purposes of these rules and the implementation thereof, the following terms shall have the meanings here given them.

Subp. 2. **Average bicycle traffic volume.** "Average bicycle traffic volume" means the amount of bicycle traffic passing a given point on an average daily basis computed over 180 days during the months of April through September.

Subp. 3. **Average daily traffic.** "Average daily traffic" means the total volume of traffic during a specified but arbitrary time period given in whole days (24 hours), greater than one day, but less than one year, divided by the number of days in the time period; abbreviated ADT.

Subp. 4. **Bicycle.** "Bicycle" means a device propelled by human power upon which a person or persons may ride, having two tandem wheels either of which is over 16 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subp. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway designed for preferential use by persons using bicycles. Bicycle lanes may be designed with or without physical barriers to separate or channel bicycle traffic from motor vehicles or pedestrian traffic.

Subp. 6. **Bicycle lane with barrier.** "Bicycle lane with barrier" means a portion of a roadway which has been designated for preferential or exclusive use by bicycles, separated from but a part of that portion of the roadway designed for motor vehicle traffic by a physical barrier such as a curb or a guardrail.

Subp. 7. **Bicycle lane without barrier.** "Bicycle lane without barrier" means a portion of a roadway which has been designated for preferential use by bicycles through pavement markings or other traffic control measures.

Subp. 8. **Bicycle path.** "Bicycle path" means a bicycle facility designed for exclusive use by persons using bicycles and constructed or developed separately from the roadway.

Subp. 9. **Bicycle route.** "Bicycle route" means a roadway signed to encourage bicycle use when no preferential lane is provided. Signing shall be in accordance with the Minnesota Manual of Uniform Traffic Control Devices. Such signing also indicates that safety precautions must be taken by all forms of traffic.

Subp. 10. **Clearway.** "Clearway" is a clear recovery area extending 30 feet outward from the edge of the outside through lane of the roadway where all physical obstacles to out-of-control motor vehicles are eliminated.

Subp. 11. **Controlled access highway.** "Controlled access highway" means every highway, street, or roadway in respect to which the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Subp. 12. **Department.** Unless stated otherwise, "department" means the Department of Transportation of this state. Regardless of the department referred to, however, it is to be considered as acting directly or through its duly authorized officers and agents.

Subp. 13. **Driver.** "Driver" means every person who drives or is in actual physical control of a vehicle, or other device upon which a person or property may be transported.

Subp. 14. **Intersection.** "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Subp. 15. **One-way roadway.** "One-way roadway" means a street or roadway designated and signposted for one-way traffic and on which all vehicles are required to move in one indicated direction.

Subp. 16. **Pedestrian walkway; sidewalk.** "Pedestrian walkway" means that portion of the street or highway between curb lines, or the lateral lines of a roadway, and the adjacent property

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lines intended for the use of pedestrians. An alternate term that may be used is "sidewalk," as defined in Minnesota Statutes, chapter 169. For purposes of these rules a pedestrian walkway may be construed to be a bicycle or recreational vehicle lane but is controlled as to the forms of traffic it may carry other than pedestrians.

Subp. 17. **Recreational vehicle.** "Recreational vehicle" means a special purpose mobile and motive equipment or device not qualifying under the provisions of Minnesota Statutes, chapter 168 for the purposes of taxation in the state of Minnesota, and includes but is not limited to all-terrain vehicles (ATV) and snowmobiles.

Subp. 18. **Recreational vehicle lane.** "Recreational vehicle lane" means that portion of a street or highway or road or way outside of the roadway, improved, designed, or ordinarily used for recreational vehicular travel by the public and placed and maintained by state or local authorities in their respective jurisdictions.

Subp. 19. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for motor vehicular travel. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subp. 20. **Rural section.** "Rural section" is a highway design that has wide rights-of-way, open ditches for drainage, and a clearway of 30 feet from the edge of the outside lane.

Subp. 21. **Shoulder.** "Shoulder" means that part of the roadway which is contiguous to the regularly traveled portion of the roadway and is on the same level as the roadway. The shoulder may be pavement, gravel, or earth.

Subp. 22. **Sidewalk.** "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Subp. 23. **Street or highway.** "Street or highway" means the entire width between the boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subp. 24. **Through highway.** "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected.

Subp. 25. **Urban district.** "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Subp. 26. **Urban section.** "Urban section" means a roadway design used in urban districts where the right-of-way width is restricted. Because of the restricted right-of-way, there is not enough room for ditches, thus necessitating curbs and gutters.

Subp. 27. **Vehicle.** "Vehicle" means a bicycle or recreational vehicle.

8810.6100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.6000 to 8810.7000 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes, section 160.262, as amended by Laws of Minnesota 1973, chapter 620, section 1, with reference to the establishment of model standards for bicycle and recreational vehicle lanes on and along proposed and existing public roadways and governing state trunk highways.

Subp. 2. **Scope.** The scope of parts 8810.6000 to 8810.7000 is intended to be confined within the framework of and consistent with Minnesota Statutes, section 160.262, and responsive to United States Code, title 23, section 217, as amended by Public Law numbers 93 to 410, the Federal Aid Highway Act of 1973 (bicycle transportation and pedestrian walkways).

8810.6300 CRITERIA FOR DESIRABILITY OF LANES.

Subpart 1. **Design and construction.** The Department of Transportation will have sole jurisdiction to establish bicycle or recreational vehicle lanes on the right-of-way of any state trunk highway. The Department of Transportation will be responsible for all designs and construction on all lane facility projects within the right-of-way of any state trunk highway. Any such services performed for other state agencies or local governmental units will be done on a reimbursable basis. The Department of Transportation may provide services for the development of lane facilities for other agencies and local units of government upon request and upon such terms as may be mutually agreed upon. The Department of Transportation will consider building bicycle or recreational vehicle lane facilities during the construction, reconstruction, or improvement of

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any trunk highway or permit the establishment of such facilities within state trunk highway right-of-way when:

- A. a proposed highway project destroys an existing lane of demonstrated or potential use and no desirable alternative is available to the user; or
- B. there is no pedestrian or nonmotorized access along or across an existing or proposed grade separated or through trunk highway or intersection in an urban area (example: access to the four quadrants created by two intersecting freeways); or
- C. there are fringe development areas not meeting the urban district definition along trunk highways that have no nonmotorized access (example: residential or commercial development along trunk highways on the outskirts of town); or
- D. the facility is part of a comprehensive trail planning process on a local, regional, or statewide basis, and the facility must materially benefit the safety of the traveling public; such as, the elimination of a potential safety hazard caused by anticipated bicycle or recreational vehicle traffic on or near the roadways of a trunk highway (example: heavy bicycle travel along a trunk highway between a town and an outlying school);
- E. the highway right-of-way can safely accommodate the facility;
- F. there is sufficient projected bicycle or recreational vehicle traffic;
- G. the facility cannot be safely and feasibly constructed and utilized outside of the right-of-way (example: no suitable network of adjacent residential streets or existing parallel facilities exist);
- H. the facility use does not conflict with existing utilities located on highway right-of-way or adjacent land use;
- I. the facility provides commuter transportation; or connects existing or proposed facilities; or connects areas or points of natural, scientific, cultural, historical, educational, or economic interest;
- J. multiuse facilities do not conflict with each other or use during more than one season is feasible.

Subp. 2. **Traffic volume criteria.** Based upon part 8810.9910, the department will consider the establishment of bicycle or recreational vehicle lanes by use and type in accordance with the traffic volumes and other limitations shown. Exceptions to these traffic volume criteria may be made if good cause can be shown and upon approval of the commissioner of transportation.

As motor vehicle traffic volumes increase the form that a bicycle or recreational vehicle lane may take and traffic control measures (or other physical safety precautions built into the facility) will also increase in physical design and safety standards.

Subp. 3. **Bicycle traffic.** The provisions of Minnesota Statutes, section 169.222 shall apply for all persons driving or operating a bicycle upon a roadway. The provisions of Minnesota Statutes, sections 169.09 to 169.13 shall also apply in substance and effect insofar as applicable and consistent with reference to bicycle lanes on trunk highways.

Subp. 4. **Bicycle recreational vehicle traffic.** The provisions of Minnesota Statutes, sections 169.09 to 169.13 shall also apply in substance and effect insofar as applicable and consistent with reference to drivers or operators of bicycle or recreational vehicles on controlled access trunk highways. Minnesota Statutes, sections 169.13 and 169.18 shall also apply.

8810.6400 MAINTENANCE CRITERIA.

The responsibility for maintaining bicycle and recreational vehicle lanes within the limits of trunk highway rights-of-way shall be the responsibility of the department of transportation when the facility is located immediately adjacent to the roadway (highway shoulder); or the responsibility of the appropriate local or other governmental unit when the facility is separate from the roadway.

Normal maintenance activities shall be provided for the maintenance of lanes established within trunk highway rights-of-way. These activities shall include, when applicable, but not be limited to: maintenance of drainage; debris removal; sweeping of lane surfaces; mowing and brush removal; surface maintenance; surface grading; snowplowing, when applicable; painting of stripes and stencils.

8810.6500 PLACEMENT OF BICYCLE OR RECREATIONAL VEHICLE LANES.

Bicycle or recreational vehicle lanes built subsequent to the date of adoption of these rules will be placed outside of a 30-foot (9.1 meters) clearway when located within the right-of-way

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of any state trunk highway with fully controlled access. Exceptions may be made at structure locations including but not limited to bridges.

Bicycle facilities built within the right-of-way of any state trunk highway shall be classified as a route; lane, no barrier; lane with barrier or path as defined in part 8810.6000, subparts 5 to 8. Desirable configurations are indicated in: part 8810.9911 for lane, no barrier; part 8810.9912 for lane with barrier; and part 8810.9913 for path (design for new facilities).

8810.6600 MINIMUM DESIGN STANDARDS.

Subpart 1. **Minimum criteria.** The following standards are minimum criteria which may not be reduced to lesser values and constitute the lowest design limits. The values are not to be used as general design standards, but should generally be exceeded.

Subp. 2. **Vertical clearance.** The vertical clearance between an overhead obstruction and the surface of bicycle or recreational vehicle lanes shall be not less than ten feet (three meters).

Subp. 3. **Lane width.** Bicycle facilities shall have a minimum surfaced width of four feet (1.2 meters) for one-way and six feet (1.8 meters) for two-way travel.

Subp. 4. **Design speed.** The design speed for bicycle facilities shall not be less than ten mph. For downgrades, design speeds may be in the range of 25 mph or greater.

Subp. 5. **Sight distance.** The sight distance to any hazard or potential hazard for a bicycle facility shall be a minimum of 50 feet (15.2 meters).

Subp. 6. **Grades.** Bikeway grades should not exceed five percent except for short distances.

Subp. 7. **Radius of curvature.** The minimum radius of curvature for bikeways is figured by the formula: $R = 1.25 V + 1.5$

R = radius of curvature in feet

V = velocity in miles per hour.

8810.6700 BICYCLE OR RECREATIONAL VEHICLE ON HIGHWAY.

No provision within these rules shall be deemed to be in conflict with the provisions of Minnesota law with respect to the operations on trunk highway right-of-way of any form of bicycle or recreational vehicle now or hereafter defined. Particular reference is made to Minnesota Statutes, sections 84.81 to 84.87 in this regard.

8810.6800 PUBLIC USE OF TRUNK HIGHWAYS.

No prohibition is intended or implied within these rules as to the rights of the public to use, occupy, traverse, or travel the trunk highways of the state of Minnesota except where such prohibition is established by law or other promulgated rule not a part of these rules.

8810.6900 PRIVATE ROADWAYS.

Nothing in these rules shall be construed to prevent the owner of real property used by the public for purposes of bicycle or recreational vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in these rules, or otherwise regulating such use as may seem best to such owner.

8810.7000 GRADE RAILROAD CROSSINGS.

In the event a proposed bicycle or recreational vehicle lane intersects at grade the right-of-way and tracks of a railroad, the approval of the Minnesota Transportation Department with respect to the public safety aspects of the crossing shall be first secured.

8810.9910 TRAFFIC CRITERIA: BICYCLE, RECREATIONAL VEHICLE LANE.

8810.9911 BIKE LANE WITH NO BARRIER.

8810.9912 BIKE LANE WITH BARRIER.

8810.9913 DESIRABLE BIKE PATH DESIGN.