

CHAPTER 8820
DEPARTMENT OF TRANSPORTATION
TECHNICAL SERVICES DIVISION
STATE-AID OPERATIONS

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8820.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter the following terms have the meanings given them in this part.

Subp. 2. **Advance encumbrance.** "Advance encumbrance" means the authorized expenditure of local funds, in lieu of state-aid funds, by a county or municipality for use on an approved state-aid project. By agreement with the commissioner, the local funds will be repaid to the county or urban municipality from future county or municipal state-aid allotments or from future county or municipal turnback funds.

Subp. 2a. **Agency agreement.** "Agency agreement" means an agreement between a city, county, or other governmental unit and the commissioner by which the city, county, or other governmental unit may appoint the commissioner as the agent, with respect to federally funded projects, to accept and receive federal funds made available for projects and to let contracts in accordance with law for the construction or improvement of local streets or roads or other construction projects.

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

Subp. 3a. **City of the first class.** "City of the first class" has the meaning given it in Minnesota Statutes, section 410.01.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 4a. **Construction and reconstruction of town roads.** "Construction and reconstruction of town roads" means the construction of a new town road or the reconstruction of a town road or any part of a town road upon which new or improved traffic service will be provided. At a minimum, reconstruction consists of the resurfacing of a gravel roadway with aggregate at the rate of 700 tons per mile or the application of an aggregate seal to a bituminous surfaced roadway.

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

Subp. 6. **County-municipal account.** "County-municipal account" means a separate record of that portion of the county state-aid highway funds allocated for expenditure solely within cities having less than 5,000 population.

Subp. 7. **Disaster account.** "Disaster account" means an account provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its county state-aid highway system or municipal state-aid street system from fire, flood, tornado, or other uncontrollable forces of such proportion that the cost of repairs to that county state-aid highway system or municipal state-aid street system is beyond the normal resources of the county or urban municipality.

Subp. 8. **Disaster board.** "Disaster board" means a board, appointed in accordance with law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its county state-aid highway or municipal state-aid street system and resulting in a financial hardship.

Subp. 9. **District engineer.** "District engineer" means a district engineer of the Minnesota Department of Transportation or a registered engineer employed as his state-aid assistant.

Subp. 9a. **District state-aid engineer.** "District state-aid engineer" means a registered engineer employed as the district state-aid engineer.

Subp. 10. **Functional classification plan.** "Functional classification plan" means a plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.

Subp. 11. **Local highway or street department.** "Local highway or street department" means the highway or appropriate department of each county and each urban municipality.

Subp. 12. **Local road research board.** "Local road research board" means a board appointed in accordance with part 8820.3200 to recommend specific research projects to the commissioner.

Subp. 13. **Needs report.** "Needs report" means a report of the estimated construction cost required to improve a state-aid system to standards adequate for future traffic on a uniform basis.

Subp. 14. **Screening board.** "Screening board" means the county or municipal board appointed in accordance with law and authorized to recommend to the commissioner the mileage and money needs for each of their state-aid systems

Subp. 15. **State-aid engineer.** "State-aid engineer" means a registered engineer employed as the state-aid engineer of the Minnesota Department of Transportation.

Subp. 15a. **Technical assistance agreement.** "Technical assistance agreement" means an agreement between a city, county, or other governmental unit and the commissioner by which the city, county, or other governmental unit requests the state to furnish technical and engineering assistance pursuant to law.

Subp. 16. **Town bridge account.** "Town bridge account" means the apportionment of county state-aid turnback funds for use in the construction or reconstruction of bridges on township roads.

Subp 17. **Town bridge need.** "Town bridge need" means the estimated construction cost required to improve or replace a town bridge to conform to standards adequate for future traffic on a uniform basis.

Subp. 17a. **Town road account.** "Town road account" means the apportionment of county state-aid turnback funds for use in the construction or reconstruction of township roads

Subp. 17b. **Town road mileage.** "Town road mileage" means mileage on a road that is maintained by a town or any other local unit of government acting as a town and open to the traveling public a minimum of eight months of the year as certified by the county highway engineer

Subp 18. **Township allotment.** "Township allotment" means the county apportionment of county state-aid highway funds for use in the construction of township roads.

Subp. 19. **Trunk highway turnback.** "Trunk highway turnback" means a former trunk highway or portion of it that has reverted to a county or municipality in accordance with law.

Subp 20. **Turnback account.** "Turnback account" means the account provided by law for payment to the county for the restoration of or to the urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the state-aid system.

Subp. 21 **Urban municipality.** "Urban municipality" means a city having 5,000 or more population, determined in accordance with the provisions of law

Subp. 22. **Variance committee.** "Variance committee" means a committee appointed in accordance with part 8820.3400 to investigate and make recommendations to the commissioner on requests for variances from this chapter

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0300 [Repealed by amendment, 8 SR 2146]

8820.0400 LOCAL HIGHWAY AND STREET DEPARTMENTS.

Each county and each urban municipality shall establish and maintain a highway or street department. These departments must be adequately organized, staffed, and equipped to administer for the county or urban municipality matters relating to the operations of the state-aid program and to exercise all functions incidental thereto, in accordance with law. Preparation of plans and specifications and supervision of construction and maintenance must be under the control and direction of a professional engineer, registered in the state of Minnesota and employed or retained for that purpose.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0500 SELECTION AND DESIGNATION OF STATE-AID SYSTEMS.

The state-aid highways and streets designated to form the basis for a long-range improvement program must be so selected as to form an integrated

network of highways and streets in accordance with parts 8820.0600 to 8820.0800.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0600 SELECTION OF ROUTES.

Final selection of routes to be included in the respective county state-aid and municipal state-aid systems are subject to the approval of the commissioner. These routes may be established on new locations where no existing roadway exists or may be located upon or over an established roadway or specified portion of a roadway.

The highway and street systems to be selected and designated in accordance with law are:

A. a county state-aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage;

B. a municipal state-aid street system not exceeding 2,500 miles in extent within urban municipalities, excluding trunk highway turnback mileage.

For an undivided, one-way street with a minimum width of 28 feet and with no parking lane or with a maximum width of 36 feet with parking on one side, the chargeable mileage allowed for municipal state-aid street mileage purposes is one-half of the length of the one-way street.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0700 SELECTION CRITERIA.

Subpart 1. **Basis.** A state-aid route must be selected on the basis of the criteria in subparts 2 and 3.

Subp. 2. **County state-aid highway.** A county state-aid highway which:

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the county's functional plans as approved by the county board;

B. connects towns, communities, shipping points, and markets within a county or in adjacent counties; or provides access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas; or serves as a principal rural mail route and school bus route;

C. occurs at reasonable intervals consistent with the density of population; and

D. provides an integrated and coordinated highway system affording, within practical limits, a state-aid highway network consistent with projected traffic demands.

Subp. 3. **Municipal state-aid street.** A municipal state-aid street which:

A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the urban municipality's functional plan as approved by the urban municipality's governing body;

B. connects the points of major traffic interest within an urban municipality; and

C. provides an integrated street system affording, within practical limits, a state-aid street network consistent with projected traffic demands.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0800 ROUTE DESIGNATIONS.

Subpart 1. **Resolution and certification.** With regard to route designations, county state-aid highways and municipal state-aid streets must be selected by the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street selections must be reviewed by the district state-aid engineer of that area and his recommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards will establish the route by designation. The commissioner after receipt of each resolution shall approve all or such part of the highway or street designations contained in the resolution, as complies with the criteria set out in this chapter. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of the highway or street designation. Highways or streets so approved shall become a part of the county state-aid highway system or the municipal state-aid street system, subject to additions or revisions as may be, from time to time, requested and approved.

Subp. 2. **Turnback designations.** With regard to turnback designations, prior to release of a former trunk highway to the jurisdiction of a county or urban municipality, the commissioner shall notify the board of county commissioners or the governing body of the urban municipality through its county highway or city engineer, which portions of the turnback are eligible for designation as part of its state-aid system and which portions are eligible for restoration or reconstruction and improvement with turnback funds. Upon a request for the designation of eligible portions of the turnback from the board of county commissioners or the governing body of the urban municipality, the commissioner shall issue the official order for designation and notify the county or municipal screening board of this action.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.0900 [Repealed by amendment, 8 SR 2146]

8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

Subpart 1. **Construction cost estimates.** To provide data to implement the formulas for state-aid apportionment, each county highway engineer and city engineer shall prepare cost estimates of construction required to improve the county state-aid or municipal state-aid system to approved standards.

Subp. 2. **Incidental costs.** In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

A county state-aid highways:

- (1) right-of-way on new construction;
- (2) automatic traffic control signals;
- (3) lighting of intersections and bridges within approved standards;

and

(4) proportionate share of drainage costs withm municipalities, to reflect the responsibility of the state-aid highway;

B. municipal state-aid streets:

- (1) right-of-way;
- (2) automatic traffic control signals;
- (3) lighting of intersections and bridges within approved standards;

and

(4) proportionate share of all drainage costs, to reflect the responsibility of the state-aid street.

Subp. 3. **Deductible items.** The respective screening boards shall consider reports from the commissioner, consisting of the county state-aid allotments to townships, or the municipal state-aid payments for construction or right-of-way on state trunk highways or county state-aid highways, covering allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each county or municipality, in order to equalize its status with other counties or municipalities not making similar expenditures.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1100 SCREENING BOARD REPORTS.

Subpart 1. **Annual reports.** A detailed report of the state-aid mileage and cost estimates must be tabulated and referred to the respective screening boards appointed pursuant to law. These boards shall investigate and review mileage, cost estimates, and the reports of those expenditures listed under deductible items, and shall, on or before November 1 of each year, submit their findings and recommendations in writing to the commissioner as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective boards

Subp. 2. [Repealed by amendment, 8 SR 2146]

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1200 COMPILATION AND NOTICE OF APPORTIONMENT.

Subpart 1. **Compilation of data by commissioner.** The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

Subp. 1a. **State-aid apportionments.** State-aid apportionments must be made from the county state-aid highway fund and the municipal state-aid street fund as provided by law. Apportionments to the respective counties and urban municipalities must be released in accordance with parts 8820.1400, subparts 5 and 6, and 8820.1500 to 8820.2400.

Subp. 2. **Notice of annual apportionment.** Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1300 [Repealed by amendment, 8 SR 2146]

8820.1400 MAINTENANCE, CONSTRUCTION, AND TURNBACK ACCOUNTS; STATE AID PAYMENTS.

Subpart 1. **County maintenance apportionments.** As soon as the annual county and urban municipal state-aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

A. 40 percent of the regular county state-aid allotment for the general maintenance of county state-aid highways;

B. 40 percent of the county-municipal account allotment for the maintenance of the county-state-aid highways within municipalities of less than 5,000 population;

Subp. 2. **Revisions of county maintenance apportionments.** The commissioner may, upon recommendation of the screening board or upon receipt of a resolution from a county board and for good cause shown, increase or decrease the proportion to be used for maintenance under either subpart 1, item A or B.

Subp. 3 **Urban account.** Twenty-five percent of the total allocation, or \$1,500 per mile of improved municipal state-aid streets, whichever is less, is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify the minimum payment to the extent necessary to accommodate the screening board resolutions pertaining to trunk highway turnback maintenance allowances. Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

Subp. 4 [Repealed by amendment, 8 SR 2146]

Subp. 4a. **Construction apportionments.** The construction portion of the annual allocation to each county and urban municipality must be credited to the respective accounts and retained by the commissioner for payment on approved projects.

Subp. 4b. **Town bridge account.** The town bridge account portion of the annual allocation of the county state-aid turnback account must be credited to each respective county and retained by the commissioner for payment on approved projects.

Subp. 4c. **Town road account.** The town road account portion of the annual allocation of the county state-aid turnback account must be set aside and credited to each respective county

Subp. 4d. **State-aid payments.** Annual apportionments to the respective counties and urban municipalities must be released in the manner provided in subparts 5 to 8 and parts 8820.1500 to 8820.2400.

Subp. 5. **Payment schedule.** At the earliest practical date, after the allotments have been determined, the commissioner shall release the following amounts to the respective counties and urban municipalities.

A. One hundred percent of the town road account.

B. Maintenance funds:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. The request must include the estimate of the maintenance expenditures anticipated within the municipal account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

Subp. 6. **Additional advances.** On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed above, in an amount not to exceed 40 percent of the total maintenance allocations.

Subp. 7. **Remaining maintenance funds.** The remaining maintenance funds will be released to the counties and urban municipalities upon receipt of their report of actual maintenance expenditures except that those urban municipalities that receive the minimum maintenance allocation will receive their remaining maintenance money on or about December 15.

Subp. 8. **Unobligated maintenance account balance.** An unobligated balance remaining in the state-aid maintenance account to the credit of a county or urban municipality, after final settlement has been made for the annual

maintenance expenditures, must be automatically transferred to the construction account of that county or municipality.

Statutory Authority: *MS s 161.082, 161.083, 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1500 CONSTRUCTION FUNDS.

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

Subp 2. **State-aid contracts.** The commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, 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. The commissioner, unless otherwise requested, shall retain the remaining percentage of the state-aid share of the contract, provided funds are available therefor, until the final cost is determined and the project accepted by the district engineer.

Subp 3 **Federal-aid contracts.** The commissioner, under authority of an agency agreement with the governing body of a county, urban municipality, or other governmental unit and acting as its agent in federal-aid operations, will release from state-aid funds available therefor, 95 percent of the county's or urban municipality's share of the entire contract obligation for immediate transfer to the agency account, to be used in paying the county's or urban municipality's share of the partial estimates and for advancing the federal share of those estimate payments. The commissioner shall retain the remaining percentage of the contract cost of the project until the final cost is determined and the project accepted by the district engineer. Where other than state-aid funds are to be used for depositing in the agency account, 100 percent of the local governmental share of the contract amounts must be deposited in the agency account prior to award of the contract.

Subp. 4. **Force account agreements.** Partial estimates will be accepted on all projects approved for construction by local forces using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor 95 percent of the cost of current accomplishments as reported by the partial estimates. Upon request of the county or urban municipality, the commissioner will set aside and retain its state-aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when the final estimate is submitted and upon acceptance by the district engineer.

Subp. 5. **Payment limitations.** Approval of state-aid projects by the commissioner does not imply that state-aid payments will be made in excess of the construction funds available from current state-aid allotments. A county or urban municipality having depleted its currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless a request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

Subp. 6. **Engineering costs.** Requests for reimbursement of preliminary engineering costs must be submitted with the report of state-aid contract or with the initial partial estimate on an approved force account project. The commissioner, upon receipt of this request supplemented by documentation as may be requested by the commissioner, shall authorize the reimbursement for actual engineering costs, not to exceed ten percent of the total estimated contract or agreement amount.

Requests for payment of construction engineering costs must be submitted along with the final estimate report. The commissioner, upon receipt of this request, shall authorize a construction engineering payment which will either be limited to eight percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's

discretion be paid in the maximum amount of 12 percent of the construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic

Subp. 7. **Right-of-way.** State-aid payments for right-of-way costs on approved projects must be limited to 95 percent of the approved claim until the acquisition of right-of-way required for the project is actually completed and the final costs established.

Subp. 8. **Advance from county funds.** With regard to an advance from county funds, when the commissioner approves a request from the county board for the construction of an approved county state-aid project, which requires county state-aid highway funds in excess of the available allotment, and these excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction or turnback apportionments to the county's state-aid accounts in accordance with the terms and conditions specified in the approved request.

Subp. 9. **Advance of county regular account funds.** With regard to an advance of county regular account funds to a county municipal account fund, when the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved county state-aid highway project, and when repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, the repayments will be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.

Subp. 10. **Advance from urban municipal funds.** With regard to an advance from urban municipal funds, when the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved municipal state-aid street project, which requires funds in excess of the available allotment and these excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these locally financed expenditures out of subsequent construction or turnback apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

Subp. 10a. **Advance from town bridge account.** With regard to an advance from a town bridge account, when the commissioner approves a request from the governing body of a county for the replacement or reconstruction of a town bridge which will require funds in excess of the county's available town bridge account and these excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the town bridge account in accordance with the terms and conditions specified in the approved request. The total of these advances to be reimbursed from the town bridge account must not exceed 40 percent of the last town bridge apportionment. Advances must be repaid in accordance with the terms of the approved request from money accruing to the respective town bridge accounts.

Subp. 11. **County or municipal bond account.** With regard to a county or municipal bond account, a county or urban municipality that resolves to issue bonds payable from the appropriate state-aid fund in accordance with law for the purpose of establishing, locating, relocating, constructing, reconstructing, or improving state-aid streets or highways under its jurisdiction shall certify to the commissioner within 30 days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the bonded debt. The commissioner shall set up a bond account, itemizing the total amount of principal and interest involved and shall

annually certify to the commissioner of finance the amount needed from the appropriate state-aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate state-aid maintenance fund to pay the current interest. Proceeds from bond sales are to be expended only on approved state-aid projects and for items determined to be eligible for state-aid reimbursement. A county or urban municipality which intends to expend bond funds on a specific state-aid project shall notify the commissioner of this intent without delay upon awarding a contract or executing a force account agreement. Upon completion of each such project, a statement of final construction costs must be furnished to the commissioner by the county or the urban municipality.

Subp. 12. **Municipal state-aid funds; county or trunk highway projects.** The governing body of an urban municipality desiring to use a portion of its state-aid funds for improvements within its boundaries of a state trunk highway or county state-aid highway, shall have the plans approved by the state-aid engineer before the award of contract and shall have a resolution requesting the off-system expenditure approved by the commissioner before funds are released for these purposes. This subpart does not apply to payments made for interest on bonds sold under Laws of Minnesota 1959, chapter 538.

Statutory Authority: *MS s 161.082, 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1600 SEMIANNUAL STATEMENTS.

Within 30 days after the close of each six-month period, the commissioner shall submit to each county or urban municipality semiannual statements as to the status of its respective state-aid accounts.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1700 OTHER AUTHORIZED PAYMENTS.

Certain specific allotments or transfers of state-aid funds have been authorized by law. These will be processed as provided in parts 8820.1800 to 8820.2400.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1800 TRANSFERS FOR HARDSHIP CONDITIONS OR OTHER LOCAL USE.

Subpart 1. **Hardship.** As to transfers for hardship conditions, the county board or governing body of an urban municipality desiring to use a part of its state-aid funds for this purpose shall certify to the commissioner that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy equal to or greater than the levy for previous years. If the requested transfer is approved, the commissioner, without requiring progress reports and within 30 days, shall authorize either immediate payment of not less than 50 percent of the total amount authorized, with the balance to be paid within 90 days, or schedule immediate payment of the entire amount authorized if he determines sufficient funds are available.

Subp. 2 **Other local use.** As to transfers for other local use, the county board or governing body of an urban municipality desiring to use a part of its state-aid funds on local roads or streets not on an approved state-aid system, shall certify to the commissioner that its state-aid routes are improved to

state-aid standards or are in an adequate condition which does not have needs other than additional surfacing or shouldering needs as identified in its respective state-aid needs report. While preliminary approval is desirable, a construction plan for a local road or street not on an approved state-aid system and not designed to state-aid standards may not be given final approval by the office of state aid unless the plan is accompanied by a resolution from the respective county board or urban municipality that indemnifies, saves, and holds harmless the state of Minnesota and its agents and employees from claims, demands, actions, or causes of action arising out of or by reason of a matter related to the construction of the local road or street as designed; that is approved by the respective county board or urban municipality; and that agrees to defend at the sole cost of the county or urban municipality any claim arising as a result of constructing the local road or street. Payment for the project will be made in accordance with part 8820 1500, subparts 1 to 5

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.1900 TOWNSHIP ALLOTMENTS.

As to township allotments, upon receipt of a certified copy of a county board resolution allocating a specific amount of the county state-aid construction funds for aid to the county's townships, upon indicating compliance with the law governing these allocations, and upon forwarding the resolution to the commissioner on or before the second Tuesday in January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2000 CONSTRUCTION OF SELECTED PARK PROJECTS.

For the construction of selected park projects and as provided by law, a portion of the county state-aid highway funds must be set aside and used for the construction, reconstruction, and improvement of county state-aid highways providing access to the headquarters of or the principal parking lot located within a state park. These funds set aside must be expended for this purpose only on a request from the commissioner of natural resources. Projects selected will be approved by the commissioner of transportation in accordance with the procedure established for other state-aid operations.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2100 DISASTER ACCOUNT.

A disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, must be promptly paid to the county or urban municipality for which the appropriation was authorized. The funds so allotted and paid to the county or urban municipality may only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Immediately upon completion of the work for which the disaster payment was made or the expiration of the time specified for doing the work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed and showing the total expenditure made. In the event the total disaster allotment was not required or used for the purpose specified, the remainder must be promptly

returned to the commissioner for redeposit in the county state-aid highway fund or the municipal state-aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual state-aid allotment to the county or urban municipality before the commissioner shall authorize the disaster committee to inspect the disaster area.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155, Laws 1983 c 17*

History: *8 SR 2146*

8820.2200 RESEARCH ACCOUNT.

County and municipal state-aid funds that may be annually allocated to the research account must be used solely for those research projects recommended by the local road research board and approved by the commissioner. Unexpended balances in this account at the end of each year must be transferred back to the state-aid fund from which they were obtained.

Statutory Authority: *MS s 161.082, 161.083; 162.02; 162.09; 162.155, Laws 1983 c 17*

History: *8 SR 2146*

8820.2300 TURNBACK ACCOUNTS.

Subpart 1 County and municipal turnback accounts. A percentage of the net highway user tax distribution fund has been set aside by law and apportioned to separate accounts in the county state-aid highway fund and the municipal state-aid street fund, and respectively identified as the county turnback account and the municipal turnback account.

Subp. 1a. County town bridge account. Further, a percentage of the county turnback account has been set aside and must be used for replacement or reconstruction of town bridges ten feet or more in length, in those counties that have two or more towns, pursuant to the law. This latter account is known as the county town bridge account.

Subp. 1b. Town road account. Further, a percentage of the county turnback account must be apportioned to the counties for the construction and reconstruction of town roads. This account is known as the town road account.

Subp. 2. Town bridge fund allocation. The funds set aside for town bridges must be allocated to the eligible counties on the basis of town bridge needs.

Subp. 2a. Town road account allocation. The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by Minnesota Statutes, section 162.081, subdivisions 2 and 4.

A. The funds apportioned to a county from the town road account must be distributed to the treasurer of each eligible town within 30 days of the receipt of the funds by the county treasurer, according to a distribution formula adopted by the county board. The county board must consider each town's levy for road and bridge purposes, its population, town road mileage, and other factors considered advisable to the interest of achieving equity among the towns.

The county treasurer is the treasurer for eligible unorganized towns.

B. If a county board does not adopt a distribution formula, the funds will be distributed to the town according to subitems (1) to (4).

(1) The county auditor shall certify to the commissioner the name of each town that has levied two mills on the dollar of the assessed value of the town for road and bridge purposes in the year preceding the allocation year.

(2) The county auditor shall certify to the commissioner the name of each unorganized town in which the county has levied two mills on the dollar of the assessed value of the unorganized town for town road and bridge purposes in the year preceding the allocation year

(3) Fifty percent of the funds apportioned to a county will be distributed to an eligible town based upon the percentage that its population bears to the total population of the eligible towns in the county.

(4) Fifty percent of the funds apportioned to a county will be distributed to eligible towns based upon the percentage of the town road mileage of each town to the total town road mileage of eligible towns in the county.

Subp. 3. **Surplus turnback funds.** At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the town bridge accounts or the town road accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the commissioner of finance requesting the transfer of the surplus to the respective county state-aid highway fund or municipal state-aid street fund for apportionment as provided by law.

Subp. 4. [Repealed by amendment, 8 SR 2146]

Subp. 5. [Repealed by amendment, 8 SR 2146]

Subp. 6. **Release of turnback account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to 95 percent of the turnback share of the contract. The commissioner shall retain the remaining percentage of the turnback share of the contract until the final cost is determined and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account 95 percent of the value as reported by partial estimates on an eligible turnback project. Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project must be submitted and payment will be authorized in accordance with part 8820.1500, subpart 6, engineering costs.

Subp. 7. **Release of town bridge account funds.** Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to 95 percent of the town bridge account share of the contract. The commissioner shall retain the remaining five percent until the final cost is determined and the project is accepted by the district engineer.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2400 TRANSFER OF ACCUMULATED COUNTY-MUNICIPAL ACCOUNT FUNDS TO COUNTY REGULAR ACCOUNT FUND.

Upon receipt of a certified copy of a county board resolution requesting the transfer of a portion of or the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner shall transfer the funds, provided:

A. the county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider objections by the governing body of a city within the county, having a population of less than 5,000, and no written objection is filed with the commissioner by the city within 14 days of that hearing;

B. if within 14 days of the public hearing held by the county a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature of the requested improvement and finds the identified highway is not deficient in

meeting minimum state-aid street standards or the county has shown evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan or there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2500 MINIMUM STATE-AID STANDARDS.

Subpart 1. **Geometric design standards.** The standards in part 8820.9910 apply to rural design undivided roadways.

The standards in part 8820.9911 apply to those roadways that meet indicated conditions.

The standards in part 8820.9917 apply to forest highways within national forests and state park access roads.

The standards in parts 8820.9912 and 8820.9913 apply to urban design roadways.

The minimum requirements in parts 8820.9914, 8820.9918, and 8820.9919 apply to resurfacing projects.

The vertical clearances for underpasses in part 8820.9915 apply.

Subp. 2. **Specifications.** Specifications for construction must be the latest approved Minnesota Department of Transportation specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be not less than 60 feet within municipalities and 66 feet in rural areas. Prior to construction the counties shall acquire control of such additional widths of right-of-way in rural areas, as may be necessary to properly maintain the ditch section.

Subp. 4. **Parking provisions.** The criteria in part 8820.9916 must be used in establishing diagonal parking.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2600 SPENDING STATE-AID APPROPRIATIONS.

State-aid funds allotted to counties and urban municipalities must be expended in accordance with the provisions of parts 8820.2700 to 8820.2900.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. **Standards.** With regard to maintenance, the commissioner shall require a reasonable standard of maintenance on state-aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition, and the traffic being served. This maintenance must be considered to include

A. the maintenance of road surfaces, shoulders, ditches, and slopes and the cutting of brush and weeds affecting the respective state-aid systems;

B. the maintenance and inspection of bridges, culverts, and other drainage structures pursuant to Minnesota Statutes, section 165.03;

C. the maintenance of regulatory and direction signs, markers, traffic control devices, and protective structures in conformance with the current manual on uniform traffic control devices affecting the respective state-aid systems;

D. the striping of pavements of 22 feet or more in width, consistent with the current manual on uniform traffic control devices, and for which there are no pending improvements;

E. the exclusion of advertising signs, billboards, buildings, and other privately owned installations other than utilities of public interest, from the right-of-way of an approved state-aid project; and

F. the installation of route markers on rural state-aid highways as follows:

(1) Route markers must be a minimum of 16 inches by 16 inches square with black letters or numerals on a white background.

(2) Wherever county road authorities elect to establish and identify a special system of important county roads, the route marker must be of a pentagonal shape and must consist of a reflectorized yellow legend (county name, route letter, and number) and border on a blue background of a size compatible with other route markers.

Subp. 2. Unsatisfactory maintenance. When, in the opinion of the commissioner, the maintenance of a county or municipal state-aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds so retained must be held to the credit of that county or urban municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

Subp. 3. Biennial report. The commissioner's biennial report to the legislature shall enumerate such funds retained more than 90 days, together with an explanation for this action.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: 8 SR 2146

8820.2800 CONSTRUCTION REQUIREMENTS.

Subpart 1. Engineer's duties. With regard to construction, survey, plans, and estimates for state-aid projects must be made by or under the immediate direction of the county highway or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

Subp. 2. Plans and estimates. Plans and estimates for each state-aid construction project must be submitted for review. Each plan shall show the subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which plans are approved by the state-aid engineer prior to the award of contract or approval of a force account agreement are eligible for state-aid construction funds.

Subp. 3. Project identification numbers. Approved projects will be assigned state-aid project numbers and must be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

Subp. 4. Contract information. Upon award of a state-aid contract by a county or urban municipality, the engineer shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for the approved construction work.

Subp 5 **Force account.** A county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices which must be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out, taxes, and contractor's profit. These requests must contain a complete list of pay items and the unit prices at which it proposes to do the work. Prior to the approval by the commissioner, the district engineer shall file recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements must be considered incidental work not eligible for state-aid payment.

Subp. 6. **Project reports.** Prior to final acceptance of each construction project by the commissioner, the county highway engineer or the city engineer shall submit to the commissioner final project records as the commissioner may deem necessary or desirable.

Subp 7. **Project payments.** On state-aid construction projects payments will be made in accordance with part 8820.1500, subparts 2 to 5.

Statutory Authority: *MS s 161.082, 161.083; 162.02, 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.2900 TURNBACK ACCOUNT EXPENDITURES.

Subpart 1. **Threshold requirements.** The funds in the county and municipal turnback accounts must be expended only as payments to a county or urban municipality for the approved repair and restoration or reconstruction and improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth in subpart 2. Further, a percentage of the county turnback account has been set aside, as provided by law, and must be used for replacement or reconstruction of town road bridges that are ten feet or more in length in those counties that have two or more towns.

Subp. 2. **Eligibility.** Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the county state-aid highway or municipal state-aid street systems, is eligible for payment from the respective turnback account for costs covering the repair and restoration or the reconstruction and improvement of those highways as detailed on approved plans. Approval of plans for the initial construction of these projects must be limited to a period of five years from the date of reversion. After plan approval for the construction of the initial part of a turnback project, plans for other portions of the same route must be approved within ten years from the date of reversion to be eligible for turnback funds. Each approved project must be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of the project. Payment for repair and restoration or reconstruction and improvement of a section will terminate eligibility for repair and restoration or reconstruction and improvement of that section with turnback funds.

Any town bridge, ten feet or more in length, is eligible for replacement or reconstruction after all pertinent data supplied by local citizenry, local units of government, the regional development commission, or the metropolitan council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to 90 percent of the cost of the bridge, and will be made in accordance with part 8820.2300, subpart 7.

Subp. 3. **Plan approval and construction requirements.** Plans for county or municipal state-aid turnback or town bridge projects must be submitted to the commissioner and be approved before reconstruction or improvement work is undertaken. State-aid rules consistent with the turnback regulations apply to projects to be financed from the county or municipal turnback accounts or the town bridge account.

Subp. 4. **Construction authorization.** As soon as the plans for a state-aid turnback or town bridge project are approved, the county or urban municipality must be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for the project for construction authorization as soon as funds are available. When local funds are advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account, authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with part 8820.1500, subpart 8, 9, 10, or 10a, has been approved by the commissioner.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3000 ADDITIONAL CONTROLS ON EXPENDITURES.

Subpart 1. **Conformity.** In addition to those provisions previously mentioned, expenditures of state-aid funds by a county or urban municipality must conform to the following rules in subparts 2 to 7

Subp. 2. **Legal requirements.** State-aid construction projects must comply with federal, state, and local laws, together with ordinances, rules, and regulations applicable to the work. Responsibility for compliance rests entirely with the local unit of government.

Subp. 3. **Bridge plans.** Plans for bridge construction or bridge reconstruction projects must be approved by the bridge engineer of the Minnesota Department of Transportation prior to the approval by the state-aid engineer.

Subp. 4. **Reports and records.** Annual reports, status maps, and maintenance and construction reports and records must be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

Subp. 5. **Noncompliance.** The commissioner, upon determination that a county or urban municipality has failed to comply with the established state-aid requirements other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of a portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of the county's or urban municipality's apportionment that must be retained until a time when suitable compliance is accomplished or the obligation fulfilled, as the case may be. The amount withheld must reasonably approximate the extent of the noncompliance or the value of the unfulfilled obligation.

Subp. 6. **Defective work.** When unsatisfactory conditions are found to exist on an approved construction project, the district state-aid engineer may, if necessary, order the suspension of all work affected until the unsatisfactory condition is satisfactorily corrected. Failure to conform with the suspension order must be considered willful noncompliance. Work or materials which fail to conform to the requirements of the contract or force account agreement must be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either

withhold funds in accordance with subpart 5, or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

Subp. 7. **Engineering and technical assistance.** The commissioner may, as authorized by law, execute agreements with a county or urban municipality or other governmental unit for technical assistance from the Department of Transportation. These services, if furnished, must be paid for by the governmental subdivision at the rates established by the Department of Transportation.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3100 GENERAL STATE-AID LIMITATIONS.

Subpart 1. **Extent of state aid.** The extent of state-aid participation on special items is limited as follows in subparts 2 to 8.

Subp. 2. **Lighting hazardous areas.** The lighting of hazardous or accident prone locations must be considered an eligible expense to the following extent:

A. For new construction, the cost of complete lighting at approved locations only on multiple lanes.

B. The cost of lighting approved intersections on single-lane design.

C. Locations where the municipality would normally install lighting units are not considered as an eligible expense. The county or urban municipality shall furnish traffic information or other needed data to support its request.

D. For reconstruction, all costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

Subp. 3. **Traffic control signals: state-aid projects.** For state-aid projects, plans for the construction or reconstruction of the electrical portion of traffic control signals must be designed by a master electrician licensed in the state of Minnesota or by an electrical engineer registered in the state of Minnesota.

The district state-aid engineer shall review these plans upon submittal by the local engineer and make recommendations to the state-aid engineer

The state-aid engineer shall approve the electrical portion of these plans based on the certification of the master electrician or electrical engineer and the remainder of the plan based on the certification of a registered professional civil or highway engineer.

Plans for the construction or reconstruction of the electrical portion of traffic control signals not certified by a master electrician or electrical engineer must be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval of the state-aid engineer

Subp. 4. **Traffic control signals: federal-aid projects.** For federal-aid projects, plans for the construction or reconstruction of traffic control signals must be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the state-aid engineer

Subp. 5. **Traffic control signals: extent of participation.** The extent of state-aid participation in signal installations shall be determined by the state-aid engineer in relation to the proportion of state-aid routes involved at each installation

Subp. 6. **Right-of-way.** The cost of lands and properties required for right-of-way to accommodate the design width of the street or highway as governed by the state-aid standards, including necessary width for sidewalks, is

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considered an eligible expense. This cost includes relocation and moving costs as provided by law and includes damages to other lands if reasonably justified to the satisfaction of the commissioner.

Subp. 7. **Sidewalks.** On county state-aid projects, sidewalks are considered an eligible expense only where the proposed construction necessitates the alteration of existing walks. On municipal state-aid street projects, state-aid payment for sidewalks must be made when requested by the urban municipality but only if the in-place street meets state-aid standards.

Subp. 8. **Storm sewers.** Plans containing items for storm drainage must be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and his recommendations obtained as to design features and the proportionate share chargeable to the state-aid system. These recommendations along with those of the district engineer must be considered in determining the maximum state-aid participation in this work.

Statutory Authority: *MS s 161.082, 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3150 LOCAL ROAD RESEARCH.

Within the law, the respective screening boards shall annually determine and recommend the amount that the commissioner shall set aside from the county state-aid highway fund or the municipal state-aid street fund, for the purpose of local road research. These funds, along with federal funds as may be provided, must be used for conducting research as provided by law.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; Laws 1983 c 17*

History: *8 SR 2146*

8820.3200 LOCAL ROAD RESEARCH BOARD.

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

A. four county highway engineers, only one of whom may be from a county containing a city of the first class;

B. two city engineers, only one of whom may be from a city of the first class;

C. two Department of Transportation staff engineers;

D. one University of Minnesota staff engineer, and

E. one ex officio secretary, who must be the department's research coordination engineer.

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

Subp. 3. **Operating procedure.** The board shall initially meet on call from the commissioner, at which time they shall elect a chairman and establish their own procedure for the selection of research projects to be recommended to the commissioner. Final determination on research projects must be made by the commissioner, and the cost must be paid out of the state-aid research accounts provided for by law.

If the board recommends a project covering research in methods of and materials for the construction and maintenance of both the county state-aid highway system and the municipal state-aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of the project to be borne by the respective county state-aid highway research account and the municipal state-aid street research account, based on the benefits to be realized by each system from such research project.

Statutory Authority: *MS s 161.082, 161.083; 162.02, 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3300 VARIANCE.

Subpart 1. **Written requests.** A formal request by a political subdivision for a variance from this chapter must:

- A. be submitted to the commissioner in writing in the form of a resolution;
- B. identify the project by location and termini; and
- C. cite the specific part or standard for which the variance is requested.

Subp. 1a. **Additional information.** Additional information needed:

- A. index map;
- B. typical section:
 - (1) inplace section;
 - (2) proposed section,
- C. reasons for the request;
- D. the economic, social, safety, and environmental impacts which may result from the requested variance;
- E. effectiveness of the project in eliminating an existing and projected deficiency in the transportation system;
- F. effect on adjacent lands;
- G. number of persons affected; and
- H. safety considerations as they apply to:
 - (1) pedestrians;
 - (2) bicyclists;
 - (3) motoring public; and
 - (4) fire, police, and emergency units

Subp. 2. **Notice of request.** The commissioner shall publish notice of variance request in the State Register and shall request comments from interested parties be directed to the commissioner within 20 calendar days from date of publication.

Subp. 3. **Decision.** The commissioner shall base his decision on the criteria specified in part 8820.3400, subpart 3 and shall notify the political subdivision in writing of his decision.

Subp. 4. **Contested case hearing.** Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law

Statutory Authority: *MS s 161.082, 161.083; 162.02, 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3400 ADVISORY COMMITTEE ON VARIANCES.

Subpart 1. **Appointment.** The commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. No elected or appointed official that represents a political subdivision requesting the variance may serve on the committee.

Subp 2 **Membership.** The committee shall consist of any five of the following persons not more than two county highway engineers, only one of whom may be from a county containing a city of the first class; not more than two city engineers, only one of whom may be from a city of the first class, not

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more than two county officials, only one of whom may be from a county containing a city of the first class; and not more than two city officials, only one of whom may be from a city of the first class.

Subp. 3. **Operating procedure.** The committee shall meet on call from the commissioner at which time they shall elect a chairperson and establish their own procedure to investigate the requested variance.

The committee shall consider the:

- A. economic, social, safety, and environmental impacts which may result from the requested variance;
- B. effectiveness of the project in eliminating an existing and projected deficiency in the transportation system;
- C. effect on adjacent lands;
- D. number of persons affected;
- E. effect on future maintenance;
- F. safety considerations as they apply to pedestrians, bicyclists, motoring public, and fire, police, and emergency units; and
- G. effect that the rule and standards may have in imposing an undue burden on a political subdivision.

Subp. 4. **Recommendation.** The committee after considering all data pertinent to the requested variance shall recommend to the commissioner approval or disapproval of the request.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.3500 BOARD OR COMMITTEE MEMBER'S PERSONAL EXPENSES.

The commissioner will authorize the payment of necessary personal expenses in connection with meetings of board and committee members, appointed by him for state-aid purposes. These expenses must be reported on forms furnished by the commissioner and paid from the state-aid administrative fund.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

EXHIBITS, FIGURES, AND TABLES

8820.9910 RURAL UNDIVIDED GEOMETRIC STANDARDS.

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Surfacing	Structural Design Strength	(4) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
									Width Curb-Curb	Structural Capacity
0-49	11'	1'	3 1	7'	30-50	Traffic Bound	—	24'	22'	H-15
50-99	11'	3'	3 1	9'	30-50	Traffic Bound	—	28'	22'	H-15
100-399	12'	4' *	4 1	15'	40-50	Paved	7-Ton Ult 9-Ton	32'	24'	H-15
400-749	12'	4' *	4 1	20'	40-60	Paved	7-Ton Ult 9-Ton	32'	24'	H-15
750-999	12'	6'*	4 1	25'	40-60	Paved	7-Ton Ult 9-Ton	36'	28'	H-15
1000 & Over	12'	8'	4 1	30'	40-60	Paved	9-Ton	40'	30'	H-15

(1) Applies to slope within recovery area only

(2) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 27" vertical height allowed without protection in recovery area.

(3) Subject to terrain.

(4) Minimum widths listed apply, except that lesser widths may be approved upon justification when the bridge length exceeds 200'. HS-20 loading required

*Initial roadbed width must be adequate to provide a finished roadbed width for nine-ton design.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: 8 SR 2146

8820.9911 SUBURBAN GEOMETRIC DESIGN STANDARDS.

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	Design Speed	Structural Design Strength	(3) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
								Width Curb-Curb	Structural Capacity
Less Than 1000	12'	6'	4 1	20'	40	9-Ton	36'	28'	H-15
1000 & Over	12'	8'	4 1	20'	40	9-Ton	40'	30'	H-15

This standard applies only when the project is located in an area where the following conditions exist:

1. a platted area or an area in a detailed development process; or
2. physical restraints are present which prevent reasonable application of the rural design standards.

(1) Applies to slope within recovery area only.

(2) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 27-inch vertical height allowed without protection in recovery area.

(3) Minimum widths listed apply, except that lesser widths may be approved upon justification when the bridge length exceeds 200'. HS-20 loading required.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: 8 SR 2146

8820.9912 URBAN STATE-AID STREETS, 30 MPH DESIGN SPEED.

TOTAL WIDTH IN FEET FACE TO FACE OF OUTER CURBS							
No of Through Lanes	Density	Undivided, No Parking Lanes	With Median, No Parking Lanes		Undivided, with Parallel Parking Lanes		With 4' Median and Two Parallel Parking Lanes
			4' Median	14' Median	One Side	Both Sides	
2	Low	28			34	40	
(Collector)	High	32			36	44	
4	Low	44	50	60	56	64	70
(Collector)	High	50	54	64	60	68	74
2							
(Arterial)	Low	36			38	48	
4	Low	50	54	64	60	68	74
(Arterial)	High	52	58	68	62	72	80
6							
(Arterial)	High	76	82	92	86	96	104

NOTE. All urban design roadways must be a minimum nine-ton structural design. New and rehabilitated bridges must have a curb to curb width equal to the required street width. HS-20 loading required.

Where design speed is 40 mph or less, provide two-foot clearance from face of curb to fixed objects.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.9913 URBAN ROADWAY CLASSIFICATION.

Classification	Facility Function	Design Character	Projected ADT Range
Collector (low density)	Serves as feeder facility from neighborhood and local streets to the collector/arterial network. Also serves access for business and residential development.	Low to moderate operating speeds.	200-3,000 ADT
Collector (high density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts.	Moderate operating speed provides access and traffic mobility.	1,000-7,000 ADT
Arterial (low density)	Serves intra-community travel. Augments high density arterial system.	Some access control with emphasis on traffic mobility.	5,000-10,000 ADT
Arterial (high density)	Forms backbone of urban network. Serves as through facility.	Provides for through traffic and turning movements. May provide divided roadway and access control.	8,000 ADT and up

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.9914 RURAL STATE-AID HIGHWAYS.

Present ADT	Structural Design Strength	Pavement Width	Shldr-Shldr Width	Design Speed
	Under 100	7-Ton	22'	26'
100-749	7-Ton	22'	26'	40
750-999	7-Ton	22'	30'	40
1,000 and over	7-Ton	24'	32'	40

Widths of bridges to remain in place must equal roadway pavement width. H-15 loading required.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: 8 SR 2146

8820.9915 VERTICAL CLEARANCES FOR UNDERPASSES.

	Rural-Suburban Design Vertical Clearance	Urban Design Vertical Clearance
Highway under roadway bridge	16'4"	14'6"
Highway under railroad bridge	16'4"	14'6"
Highway under pedestrian bridge	17'4"	14'6"
Highway under sign structure	17'4"	14'6"
Railroad under roadway bridge	22'0"	22'0"

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: 8 SR 2146

8820.9916 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Parking Angle	Stall Width	Stall Depth	Traffic Aisle Width	Length Along Curb	1/2 Roadway Width (Min.)	Present ADT	Legal Speed Limit
45°	9'	19.8'	13.2'	12.7'	33'	Less than 3,000	30 MPH or less
60°	9'	21.0'	18.0'	10.4'	39'	Less than 3,000	30 MPH or less
45°	9'	19.8'	25.2'	12.7'	45'	3,000 and over	30 MPH or less
60°	9'	21.0'	30.0'	10.4'	51'	3,000 and over	30 MPH or less

Diagonal parking provisions must be established by cooperative agreement between the local road authority and the commissioner.

The cooperative agreement must indicate the angle of parking, provide for pavement marking of the parking lanes, and provide that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

The minimum design standards for roadways with parallel parking are shown in parts 8820.9912 and 8820.9913.

Minnesota Statutes, section 169.34 must be adhered to in determining diagonal parking spacing.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; Laws 1983 c 17*

History: *8 SR 2146*

8820.9917 FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS.

Projected ADT	Lane Width	(3) Shoulder Width	(1) Inslope	(2) Recovery Area	Design Speed	Surfacing	Structural Design Strength	(4) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
									Width Curb-Curb	Structural Capacity
0-99	11'	2'	3 1	9'	30-50	Aggregate	—	28'	24'	H-15
100-749	12'	2'	3 1	15'	35-50	Paved	9-Ton	32'	24'	H-15
750 999	12'	4'	3 1	15'	35-50	Paved	9 Ton	32'	28'	H-15
1000 & Over	12'	6'	4 1	20'	40-50	Paved	9-Ton	36'	28'	H-15

(1) Applies to slope within recovery area only.

(2) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 27-inch vertical height allowed without protection in the recovery area.

(3) When bicycle paths utilize shoulder, shoulders must be a minimum of 4 feet and must be paved.

(4) HS-20 loading required.

Statutory Authority: *MS s 161.082; 161.083; 162 02; 162.09; Laws 1983 c 17*

History: *8 SR 2146*

8820.9918 FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS.

Present ADT	Structural Design Strength	Pavement Width	Shldr-Shldr Width	Design Speed
0-1,000	7-Ton	22'	26'	30
Over 1,000	7-Ton	24'	28'	35

NOTE: Bridges to remain in place must be at least equal in width to the pavement width. H-15 loading required.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; Laws 1983 c 17*

History: *8 SR 2146*

8820.9919 URBAN STATE-AID STREETS.

TOTAL WIDTH IN FEET FACE TO FACE OF OUTER CURBS								
No of Through Lanes	Density	Undivided, No Parking Lanes	With Median, No Parking Lanes		Undivided, With Parallel Parking Lanes		With 4' Median & Two Parallel Parking Lanes	Existing Design Strength
			4' Median	14' Median	One Side	Both Sides		
2 (Collector)	Low	28			32	38		7-Ton
	High	30			32	40		7-Ton
4 (Collector)	Low	40	44	54	50	58	64	7-Ton
	High	44	48	58	54	62	68	7-Ton
2 (Arterial)	Low	30			32	42		9-Ton
	High	30			32	42		9-Ton
4 (Arterial)	Low	44	48	58	54	62	68	9-Ton
	High	46	52	62	56	66	74	9-Ton
6 (Arterial)	Low	70	76	86	80	90	98	9-Ton
	High	70	76	86	80	90	98	9-Ton

Recovery area standards not applicable.

For urban roadway classification see parts 8820.2500, subpart 1, 8820.9912, and 8820.9913.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; Laws 1983 c 17*

History: *8 SR 2146*