

CHAPTER 8820

DEPARTMENT OF TRANSPORTATION

TECHNICAL SERVICES DIVISION

STATE-AID OPERATIONS

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8820.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **ADT.** “ADT” means average daily traffic.

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

Subp. 2b. **City.** “City” means a statutory or home rule charter city.

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

Subp. 4. **Commissioner.** “Commissioner” means the commissioner of the Minnesota Department of Transportation.

[For text of subps 4a and 5, see M.R.]

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 on county state-aid highways within cities having less than 5,000 population.

[For text of subps 7 and 8, see M.R.]

Subp. 9. **District engineer.** “District engineer” means a district engineer of the Minnesota Department of Transportation.

[For text of subp 9a, see M.R.]

Subp. 9b. **Force account agreement.** "Force account agreement" means an agreement between the Minnesota Department of Transportation and a city or county for the city or county to do state-aid funded construction projects with local forces, and for the city or county to be reimbursed, based on agreed unit prices.

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

Subp. 10a. **Local forces.** "Local forces" means railroad forces when working on a railroad crossing, utility forces when conducting utility work eligible under a force account agreement, or the employees of a local unit of government needed to perform a specific project for reasons of expertise or necessary expediency.

[For text of subs 11 to 13, see M.R.]

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

[For text of subs 15 and 15a, see M.R.]

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 town roads.

[For text of subp 17, see M.R.]

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

[For text of subp 17b, see M.R.]

Subp. 18. **Town allotment.** "Town allotment" means the county apportionment of county state-aid highway funds for use in constructing town roads.

Subp. 19. **Trunk highway turnback.** "Trunk highway turnback" means a trunk highway or portion of it that has been designated at another location and the former trunk highway has reverted to a county or municipality in accordance with law. The reverted trunk highway or portion of it has become part of the state-aid system.

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

[For text of subs 21 and 22, see M.R.]

Statutory Authority: *MS s 162.02; 162.09*

History: 15 SR 2596

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:

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A. a county state-aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage and former municipal state-aid street mileage in cities whose population fell below 5,000 under the 1980 federal census; and

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 26 feet and with no parking lane or with a maximum width of 46 feet with parking on both sides, 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 162.02; 162.09*

History: *15 SR 2596*

8820.0700 SELECTION CRITERIA.

Subpart 1. Basis. A state-aid route must be selected on the basis of all criteria in either subpart 2 or 3.

Subp. 2. County state-aid highway. A county state-aid highway may be selected if it:

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 classification plans as approved by the county board;

B. connects towns, communities, shipping points, and markets within a county or in adjacent counties; 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; and

C. 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 may be selected if it:

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 classification 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 162.02; 162.09*

History: *15 SR 2596*

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 governing bodies of urban municipalities. The highway or street selections must be reviewed by the district state-aid engineer of that area and the engineer's recommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards or governing bodies shall establish the route by designation. After receipt of each board action, the commissioner shall approve all or part of the highway or street designations that comply 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 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.

[For text of subp 2, see M.R.]

Subp. 3. Payback on revoked state-aid routes. If a local unit of government revokes a state-aid route for which state-aid construction money has been spent, the district state-aid engineer shall determine the remaining life of the project and compute the value of the items that were financed with state-aid money. This computed value must be subtracted from the next state-aid contract let by the local unit of government. For this determination, (1) the life of a construction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing project is ten years. Payback is not required if the state-aid construction was a special resurfacing project.

The district state-aid engineer shall report the amount of required payback to the office of state-aid immediately upon receiving a copy of the commissioner's order revoking the affected state-aid route.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

[For text of subpart 1, see M.R.]

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

- A. right-of-way;
- B. automatic traffic control signals;
- C. lighting of intersections and bridges within approved standards; and
- D. drainage costs.

Subp. 3. Deductible items. The respective screening boards shall consider reports from the commissioner, consisting of the county state-aid allotments to towns, 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, to equalize its status with other counties or municipalities not making similar expenditures.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

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:

[For text of item A, see M.R.]

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

[For text of subp 2, see M.R.]

Subp. 3. Urban maintenance apportionment account. Twenty-five percent of

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the total allocation, if requested by the urban municipality before December 16 preceding the annual allocation, or \$1,500 per mile of improved municipal state-aid streets, is the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify the minimum allotment to finance the amount needed to pay the interest due on municipal state-aid bonds and 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, not to exceed 35 percent of the total allocation, shall file a request with the commissioner before December 16 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

[For text of subps 4a to 8, see M.R.]

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.1500 CONSTRUCTION FUNDS.

Subp. 2. State-aid contracts. Upon receipt of an abstract of bids and a certification as to the execution of a contract that includes a requirement for bond, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. The commissioner shall keep the remaining percentage of the state-aid share of the contract, provided funds are available, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer, or until the final cost is determined and the project accepted by the district state-aid engineer.

Subp. 3. Federal-aid contracts. 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, the commissioner shall release from available state-aid funds, 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 eligible share of the partial estimates and for advancing the federal share of those estimate payments. The commissioner shall keep the remaining percentage of the contract cost of the project until the final cost is determined and the project accepted by the district state-aid engineer. When 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 before the contract is awarded.

Subp. 4. Force account agreements. Partial estimates must be accepted on the 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 for these approved projects 95 percent of the cost of current accomplishments as reported by the partial estimates. Upon request of the county or urban municipality, the commissioner shall set aside and keep 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 state-aid engineer.

[For text of subp 5, see M.R.]

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, shall authorize the reimbursement for actual documented engineering

costs, not to exceed ten percent of the total eligible estimated contract or agreement amount.

Requests for payment of actual construction engineering costs must be documented and submitted along with the final estimate report. The commissioner, upon receipt of this request, shall authorize a construction engineering payment that must either be limited to eight percent of the eligible construction costs when there are no unusual traffic or construction problems, or that 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.

[For text of subp. 7, see M.R.]

Subp. 8. Advance from county funds. When the commissioner approves a request from the county board for constructing an approved county state-aid project requiring county state-aid highway funds in excess of the available allotment, and these excess costs are initially paid for from other local sources, then the commissioner, to the extent authorized by law, shall 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. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 9. Advance of county regular account funds. 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 must 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 when specified in the authorization. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 10. Advance from urban municipal funds. When the commissioner approves a request from the governing body of an eligible urban municipality for constructing an approved municipal state-aid street project requiring funds in excess of the available allotment, and these excess costs are initially paid from other local sources, then the commissioner, to the extent authorized by law, shall 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. The request for advance encumbrance must be submitted with the report of state-aid contract.

Subp. 10a. Advance from 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 requiring funds in excess of the county's available town bridge account, and these excess costs are initially paid for from other sources, then the commissioner shall 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. The request for advance encumbrance must be submitted with the report of state-aid contract.

[For text of subp. 11, see M.R.]

Subp. 12. Municipal state-aid funds; county or trunk highway projects. The

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governing body of an urban municipality desiring to use a portion of its state-aid funds for improvements within its boundaries on a state trunk highway or county state-aid highway, must have the plans approved by the state-aid engineer before the contract is awarded and must 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 162.02; 162.09*

History: *15 SR 2596*

8820.1800 TRANSFERS FOR HARDSHIP CONDITIONS OR OTHER LOCAL USE.

Subpart 1. Hardship. When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation off an approved state-aid system, it 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 or budget equal to or greater than the levy or budget for previous years. Approval may be granted only if the county board or governing body of an urban municipality demonstrates to the commissioner that the request is made for good cause. If the requested transfer is approved, the commissioner, without requiring progress reports and within 30 days, shall authorize either immediate payment of at least 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 on determining that sufficient funds are available.

Subp. 2. Other local use. When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation on local roads or streets not on an approved state-aid system, it shall certify to the commissioner that its state-aid routes are improved to state-aid standards or are in an adequate condition that does not have needs other than additional surfacing or shouldering needs identified in its respective state-aid needs report.

A construction plan for a local road or street not on an approved state-aid system and not designed to state-aid standards must 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 constructing the local road or street as designed. The resolution must be approved by the respective county board or urban municipality and agree 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 must be made in accordance with part 8820.1500, subparts 1 to 5.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.1900 TOWN ALLOTMENTS.

The commissioner shall authorize payment of the amount requested for distribution by the county for constructing town roads:

A. 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 towns;

B. upon showing compliance with the law governing these allocations; and

C. upon forwarding the resolution to the commissioner on or before the second Tuesday in January of each year.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.2000 CONSTRUCTING SELECTED STATE PARK PROJECTS.

For constructing selected state park projects and as provided by law, a portion of the county state-aid highway funds must be set aside and used for constructing, reconstructing, and improving 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 spent for this purpose only on a request from the commissioner of natural resources. Projects selected must be approved by the commissioner of transportation in accordance with the procedure established for other state-aid operations.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

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 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. If 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 board to inspect the disaster area.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.2300 TURNBACK ACCOUNTS.

[For text of subpart 1, see M.R.]

Subp. 1a. 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 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, reconstruction, and gravel maintenance of town roads. This account is known as the town road account.

[For text of subp 2, see M.R.]

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.

[For text of item A, see M.R.]

B. If a county board does not adopt a distribution formula, the funds must 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 0.04835 percent of taxable market 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 0.04835 percent of taxable market 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 must 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 must 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.

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

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 keep the remaining percentage of the turnback share of the contract until the final cost is determined and the project accepted by the district state-aid engineer.

On force account agreements, partial estimates must 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 must be authorized in accordance with part 8820.1500, subpart 6.

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 keep the remaining five percent until the final cost is determined and the project is accepted by the district state-aid engineer.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

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 part or all of the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner shall transfer the funds, provided 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:

A. no written objection is filed with the commissioner within 14 days of that hearing; or

B. 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:

(1) the identified highway is not deficient in meeting minimum state-aid street standards;

(2) 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

(3) 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 162.02; 162.09*

History: *15 SR 2596*

8820.2500 MINIMUM STATE-AID STANDARDS.

Subpart 1. Geometric design standards. The standards in part 8820.9910 apply to rural design undivided roadways, new or reconstruction.

The standards in part 8820.9930 apply to suburban design roadways that meet indicated conditions, new or reconstruction.

The standards in parts 8820.9935 and 8820.9940 apply to urban design roadways, new or reconstruction.

The requirements in parts 8820.9925, 8820.9945, and 8820.9970 apply to resurfacing projects.

The roadway classifications in part 8820.9950 apply to urban roadways.

The vertical clearances for underpasses in part 8820.9955 apply.

The standards in part 8820.9965 apply to designated forest highways within national forests and state park access roads within state parks, new or reconstruction.

[For text of subp 2, see M.R.]

Subp. 3. Right-of-way. The minimum widths of right-of-way for state-aid routes must be at least 60 feet within municipalities and 66 feet in rural areas. Before construction, the governing body shall acquire control of the additional widths of right-of-way for rural design as may be necessary to properly maintain the ditch section and the recovery area.

Subp. 4. Parking provisions. The criteria in part 8820.9960 must be used in establishing diagonal parking. The criteria in parts 8820.9935, 8820.9940, and 8820.9945 must be used where parallel parking is used.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. Standards. 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:

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

F. the installation of route markers on county 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 with county name, route letter, and number, and a border on a blue background of a size compatible with other route markers.

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Subp. 2. **Unsatisfactory maintenance.** On determining that the maintenance of a county or municipal state-aid route is unsatisfactory, the commissioner shall keep up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds kept 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.

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

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.2800 CONSTRUCTION REQUIREMENTS.

Subpart 1. **Engineer's duties.** Surveys, plans, and estimates for state-aid projects must be made by or under the supervision of the county highway or city engineer in accordance with standards for 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 must 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 final plans are approved by the state-aid engineer before awarding a contract or approving a force account agreement are eligible for state-aid construction funds.

Subp. 3. **Project identification numbers.** Projects must 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 county highway engineer or city 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 must 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. The unit prices 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. Before approval by the commissioner, the district state-aid engineer shall file recommendations with the commissioner concerning 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.

[For text of subps 6 and 7, see M.R.]

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.2900 TURNBACK ACCOUNT EXPENDITURES.

Subpart 1. **Requirements; turnback accounts.** The funds in the county and municipal turnback accounts must be spent 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 that meet the eligibility requirement as set forth in subpart 2.

Subp. 1a. **Requirements; town bridge account.** 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. This account is known as the town bridge account.

Subp. 2. Eligibility; former trunk highways. A former trunk highway that has reverted to county or urban municipal jurisdiction after July 1, 1965, and that is part of the county state-aid highway or municipal state-aid street system, 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 a turnback project is limited to a period of five years from the date of reversion. After plan approval for constructing 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 constructing the project. Payment for repair and restoration or reconstruction and improvement of a section terminates eligibility for repair and restoration or reconstruction and improvement of that section with turnback funds.

Subp. 2a. Eligibility; town bridges. A town bridge that is ten feet or more in length is eligible for replacement or reconstruction after the county board reviews the pertinent data supplied by local citizenry, local units of government, the regional development commission, or the metropolitan council, and adopts a formal resolution identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties is limited to 90 percent of the cost of the bridge, and must be made in accordance with part 8820.2300, subpart 7.

[For text of subps 3 and 4, see M.R.]

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

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 10.

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

A. meets one or more of the following criteria:

(1) is intended for four or more lanes (complete cost eligible);

(2) is intended for lighting intersections; or

(3) is a cost incidental to the necessary revision or relocation of existing lighting facilities on reconstruction projects; and

B. is not for a location where lighting would normally have been installed by the county or urban municipality.

For the funding of additional locations, lighting expenses are eligible only to the extent that the county or urban municipality has furnished traffic information or other needed data to support its request.

Subp. 3. Traffic control signals: state-aid projects. For state-aid projects, plans for constructing or reconstructing the electrical portion of traffic control signals must be (1) designed or (2) reviewed and approved by a master electrician licensed in Minnesota or by an electrical engineer registered in 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

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rest 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, or plans involving traffic control signals on a trunk highway must be approved by the traffic engineer of the Minnesota Department of Transportation before approval by the state-aid engineer.

[For text of subps 4 and 5, see M.R.]

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 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. Receipts from the rental or sale of excess properties paid for with state-aid funds must be placed in the local agency's road and bridge account to be used on the next state-aid project constructed.

[For text of subp 7, see M.R.]

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

Subp. 9. Flexible or rigid pavement. The use of state-aid construction funds to finance the initial surfacing of rural roadways with aggregate base, in excess of six inches, and flexible or rigid pavement materials is limited to the following costs participation:

Projected ADT*	Percent of Participation
100 and over	100
75 to 99	80
50 to 74	40
0 to 49	0

* If the next traffic count scheduled by the Minnesota Department of Transportation shows an increase in traffic, the percentage participation on an approved project must be adjusted to reflect the revised projected ADT if the county requests reimbursement at the increased percentage rate.

Subp. 10. Landscaping. The extent of state-aid participation in landscaping is limited to one percent of the total construction allocation in any year. Participation is generally limited to items such as trees when exceeding two-to-one replacement, shrubs, ground covers, and mulch. Irrigation systems are not eligible. Seeding, with mulch and fertilizer, and sodding are considered normal grading items.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.3300 VARIANCE.

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

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

C. cite the specific part or standard for which the variance is requested and describe the modification proposed.

[For text of subps 1a and 2, see M.R.]

Subp. 3. Decision. The commissioner shall base the decision on the criteria in part 8820.3400, subpart 3 and shall notify the political subdivision in writing of the decision. The commissioner shall require a resolution by the recipient of the variance that indemnifies, saves, and holds harmless the state and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The recipient of the variance shall further agree to defend at its sole cost and expense any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of the variance.

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

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

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 a 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 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. The committee must have at least two elected officials as members.

[For text of subps 3 and 4, see M.R.]

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9910 GEOMETRIC DESIGN STANDARDS; RURAL UNDIVIDED (9); NEW OR RECONSTRUCTION.

Projected ADT (6)	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 (8)
0-49	11'	1'	3:1	7'	30-60	Aggregate	—	28'	22'	H-15
50-149	11'	3'	4:1	9'	40-60 (7)	Aggregate	—	32'	22'	H-15
150-399	12'	4' (5)	4:1	15'	40-60	Paved	7-ton ult 9-ton	36'	28'	H-15
400-749	12'	4'	4:1	20'	40-60	Paved	9-ton	36'	28'	H-15
750-1499	12'	6'	4:1	25'	40-60	Paved	9-ton	40'	28'	H-15
1500 & Over	12'	8'	4:1	30'	40-60	Paved	10-ton	44'	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. Based on stopping sight distance.

(4) HS-25 loading is required.

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

(6) Use the existing traffic for highways not on the state-aid or federal-aid secondary (FAS) systems.

(7) Design speed of 30 miles per hour allowed off of the state-aid or FAS systems.

(8) Inventory design rating.

(9) Use the geometric design standards of the MN/DOT Road Design Manual for rural divided roadways. Minimum ten-ton structural design and 40 miles per hour design speed are required.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9911 [Repealed, 15 SR 2596]

8820.9912 [Repealed, 15 SR 2596]

8820.9913 [Repealed, 15 SR 2596]

8820.9914 [Repealed, 15 SR 2596]

8820.9915 [Repealed, 15 SR 2596]

8820.9916 [Repealed, 15 SR 2596]

8820.9917 [Repealed, 15 SR 2596]

8820.9918 [Repealed, 15 SR 2596]

8820.9919 [Repealed, 15 SR 2596]

8820.9925 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; RESURFACING.

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

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

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9930 GEOMETRIC DESIGN STANDARDS: SUBURBAN; NEW OR RECONSTRUCTION.

Projected ADT	Lane Width	Shoulder Width	(1)	(2)	(4)	Structural Design Strength	(3) New and Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
			Inslope	Recovery Area	Design Speed			Width Curb-Curb	Structural Capacity (5)
Less than 1,000	12'	6'	4:1	20'	30-50	9-ton	40'	28'	H-15
Over 1,000	12'	8'	4:1	20'	30-50	9-ton	44'	30'	H-15

(1) Applies to slope within the recovery area only.

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

(3) HS-25 loading is required.

(4) Design speed is based on stopping sight distance.

(5) Inventory design rating.

This standard applies only when the project is both located in a platted area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of the rural design standards.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9935 GEOMETRIC DESIGN STANDARDS: URBAN; 30 to 35 M.P.H. DESIGN SPEED; NEW OR RECONSTRUCTION.

Subpart 1. Two-way streets. In the following table, total width is in feet, face-to-face of curbs.

TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides
2-Lane Collector	Low or High	26' (2-11-11-2)	32' (8-11-11-2)	38' (8-11-11-8)
4-Lane Collector	Low or High	48' (2-11-11-11-11-2)	54' (8-11-11-11-11-2)	60' (8-11-11-11-11-8)
2-Lane Arterial	Low	30' (4-11-11-4)	36' (4-11-11-10)	42' (10-11-11-10)
4-Lane Arterial	Low or High	48' (2-11-11-11-11-2)	56' (10-11-11-11-11-2)	64' (10-11-11-11-11-10)
6-Lane Arterial	High	70' (2-11-11-11-11-11-2)	None	None

When a median is included in the design of the two-way roadway, add two feet to the dimension shown. This provides a one-foot reaction area on either side of the median. Minimum median width is four feet.

Subp. 2: **One-way streets.** In the following table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides
1-Lane Collector	Low or High	None	None	None
2-Lane Collector	Low or High	26' (2-11-11-2)	32' (2-11-11-8)	38' (8-11-11-8)
1-Lane Arterial	Low	None	None	None
2-Lane Arterial	Low or High	26' (2-11-11-2)	34' (2-11-11-10)	42' (10-11-11-10)
3-Lane Arterial	High	37' (2-11-11-11-2)	45' (2-11-11-11-10)	53' (10-11-11-11-10)

Subp. 3. **Requirements common to both.** Urban design roadways must be a minimum nine-ton structural design. A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. HS-25 loading is required. Design speed is based on stopping sight distance. Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

Refer to table 8820.9950 for classification, capacity, and peak-hour relationship.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9940 GEOMETRIC DESIGN STANDARDS: URBAN; GREATER THAN 35 M.P.H. DESIGN SPEED; NEW OR RECONSTRUCTION.

Subpart 1. **Two-way streets.** In the following table, total width is in feet, face-to-face of curbs.

TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side *	Parking Both Sides *
2-Lane Collector	Low or High	28' (2-12-12-2)	36' (10-12-12-2)	44' (10-12-12-10)
4-Lane Collector	Low or High	52' (2-12-12-12-12-2)	60' (10-12-12-12-12-2)	68' (10-12-12-12-12-10)
2-Lane Arterial	Low	32' (4-12-12-4)	38' (4-12-12-10)	44' (10-12-12-10)
4-Lane Arterial	Low or High	52' (2-12-12-12-12-2)	60' (10-12-12-12-12-2)	68' (10-12-12-12-12-10)
6-Lane Arterial	High	76' (2-12-12-12-12-12-12-2)	None	None

* No parking is allowed when the posted speed exceeds 45 miles per hour.

When a median is included in the design of the two-way roadway, add two feet to the dimension shown. This provides a one-foot reaction area on either side of the median. Minimum median width is four feet.

Subp. 2. **One-way streets.** In the following table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side *	Parking Both Sides *
1-Lane Collector	Low or High	None	None	None
2-Lane Collector	Low or High	28' (2-12-12-2)	36' (2-12-12-10)	44' (10-12-12-10)
1-Lane Arterial	Low	None	None	None
2-Lane Arterial	Low or High	28' (2-12-12-2)	37' (2-12-12-11)	46' (11-12-12-11)
3-Lane Arterial	High	40' (2-12-12-12-2)	49' (2-12-12-12-11)	58' (11-12-12-12-11)

* No parking is allowed when the posted speed exceeds 45 miles per hour.

Subp. 3. **Requirements common to both.** Urban design roadways must be a minimum nine-ton structural design. A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. HS-25 loading is required. Provide one and one-half feet of clearance from the face of the curb to fixed objects when the posted speed is 40 to 45 miles per hour. Provide a ten-foot clearance from the driving lane when the posted speed exceeds 45 miles per hour. Design speed is based on stopping sight distance.

Refer to table 8820.9950 for classification, capacity, and peak-hour relationship.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9945 GEOMETRIC DESIGN STANDARDS: URBAN; RESURFACING.

Subpart 1. **Two-way streets.** In this table, total width is in feet, face-to-face of curbs.

TWO-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides	Proposed Structural Design Strength
2-Lane Collector	Low	26'	32'	38'	7-ton
	High	26'	32'	38'	9-ton
4-Lane Collector	Low	44'	52'	60'	7-ton
	High	44'	52'	60'	9-ton
2-Lane Arterial	Low	26'	32'	42'	9-ton
4-Lane Arterial	Low	44'	54'	64'	9-ton
	High	44'	54'	64'	9-ton
6-Lane Arterial	High	66'	None	None	9-ton

When a median is included in the two-way roadway, add two feet plus the

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width of the median to the dimension shown. This allows for a one-foot reaction area on either side of the median.

Subp. 2. **One-way streets.** In this table, total width is in feet, face-to-face of curbs.

ONE-WAY STREETS

Number of Through Lanes	Density	No Parking Both Sides	Parking One Side	Parking Both Sides	Proposed Structural Design Strength
1-Lane Collector	Low	None	None	None	7-ton
	High	None	None	None	9-ton
2-Lane Collector	Low	21'	29'	37'	7-ton
	High	23'	31'	39'	9-ton
1-Lane Arterial	Low	None	None	None	9-ton
2-Lane Arterial	Low	23'	31'	39'	9-ton
	High	24'	32'	40'	9-ton
3-Lane Arterial	High	34'	42'	50'	9-ton

Subp. 3. **Requirements common to both.** Recovery area standards are not applicable. Minimum design speed is 30 miles per hour based on stopping sight distance.

For urban roadway classification, see parts 8820.2500, subpart 1; and 8820.9950 substituting present ADT for the projected ADT shown.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9950 URBAN ROADWAY CLASSIFICATION.

Classification	Facility Function	Design Character	*Projected ADT Range
Collector (low density)	Serves as a feeder facility from neighborhood and local streets to the collector/arterial network. Also serves as access for business and residential development.	Low to moderate operating speeds	200-5,000 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.	1,000-10,000 ADT
Arterial (low density)	Serves intracommunity travel. Augments high-density arterial system.	Some access control with emphasis on traffic mobility.	5,000-15,000 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.	12,000 & up ADT

* Additional average daily traffic may be allowed in a classification if a capacity analysis demonstrates that "level of service D" or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.

"Level of service" has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research

Board of the National Research Council (Washington, D.C.). The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9955 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"

*Variances to the required minimum may be granted by the Minnesota Transportation Regulation Board. That approval eliminates the need for a state-aid variance.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9960 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 (Minimum)	Present ADT	Legal Speed Limit
45 Degrees	9'	19 8'	13 2'	12 7'	33'	Less than 3,000	30 MPH or less
60 Degrees	9'	21 0'	18 0'	10 4'	39'	Less than 3,000	30 MPH or less
45 Degrees	9'	19 8'	25 2'	12 7'	45'	3,000 and over	30 MPH or less
60 Degrees	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 show 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.

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

Provide a two-foot clearance from the face of the curb to fixed objects. Parking meters, when spaced so as to not interfere with vehicle operation, are exempt.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9965 GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION.

Projected ADT	Lane Width	(3) Shoulder Width	(1) Inslope	(2) Recovery Area	(5) 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	36'	28	H-15
1,000 and over	12'	6'	4 1	20	40-50	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 a 27-inch vertical height are allowed without protection in the recovery area.

(3) When bicycle paths use a shoulder, the shoulder must be a minimum of four feet and must be paved.

(4) HS-25 loading is required.

(5) Design speed is based on stopping sight distance.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*

8820.9970 GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RESURFACING.

Present ADT	Proposed Structural Design Strength	Pavement Width	Shoulder-Shoulder Width	Design Speed
0-1000	7-ton	22'	26'	30
Over 1000	7-ton	24'	28'	35

Bridges to remain in place must be at least equal in width to the pavement width. H-15 loading is required. Design speed is based on stopping sight distance.

Statutory Authority: *MS s 162.02; 162.09*

History: *15 SR 2596*