

7819.1100 RESTORATION OF RIGHT-OF-WAY.

Subpart 1. **Restoration standards.** Restoration must return the right-of-way to the same condition that existed before excavation. Subject to this standard, plates 1 to 13, shown in parts 7819.9900 to 7819.9950, indicate maximum limits of restoration methods and area requirements the local government unit can impose when a right-of-way user excavates in the public right-of-way. The local government unit and right-of-way user may agree to a lesser requirement.

The right-of-way user is responsible for all of its work done in the public right-of-way, whether by employees, agents, or independent contractors.

Subp. 2. **Levels of restoration.** All levels of restoration include compaction of the materials placed in the excavation of the subgrade and aggregate base, plus pavement replacement, in kind. If required by the local government unit, all work must be performed according to the local government unit's specifications and drawings.

Subp. 3. **Degradation fee.** A right-of-way user may elect to pay a degradation fee in lieu of restoration. However, the right-of-way user shall remain responsible for replacing and compacting the subgrade and aggregate base material in the excavation and the degradation fee must not include the cost to accomplish these responsibilities.

Statutory Authority: *MS s 237.163*

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