

CHAPTER 8810
DEPARTMENT OF TRANSPORTATION
TRUNK HIGHWAY SYSTEM

NONMOTORIZED TRAFFIC PROHIBITED ON INTERSTATE HIGHWAYS

8810.0050 ORDER 30757; INTERSTATE HIGHWAY EXCLUSIONS.

OUTDOOR ADVERTISING DEVICES

8810.0200 DEFINITIONS.
8810.0300 PURPOSE AND SCOPE.
8810.0400 EXCLUSIONS AND EXEMPTIONS.
8810.0500 PROHIBITED SIGNS AND MAINTENANCE.
8810.0600 MEASURING SIGN AREA.
8810.0700 BACK TO BACK, SIDE TO SIDE, AND V-TYPE SIGNS.
8810.0800 SCENIC AREAS.
8810.0900 SIGNS IN BUSINESS AREAS.
8810.1000 UNZONED COMMERCIAL OR INDUSTRIAL AREAS.
8810.1100 SPACING AND LOCATION FOR BUSINESS AREAS.
8810.1200 ADDITIONAL SPACING REQUIREMENTS.
8810.1300 PERMITS, FEES, AND RENEWALS.
8810.1400 CERTIFICATION OF ZONING.

UTILITIES EQUIPMENT

8810.3100 DEFINITIONS.
8810.3200 PURPOSE AND SCOPE.
8810.3300 PERMITS.
8810.3400 STANDARDS FOR WORK CONDUCTED UNDER PERMIT.
8810.3500 AERIAL LINES.
8810.3600 UNDERGROUND LINES.

DRIVEWAYS

8810.4100 DEFINITIONS OF DISTRICT AND STREET CLASSIFICATIONS.
8810.4300 PURPOSE AND SCOPE.
8810.4400 DRIVEWAY PERMITS.
8810.5200 CHANGES IN USE.
8810.5300 REVOKING ACCESS.
8810.5400 PROHIBITED USES.

8810.5600 VARIANCES.

BICYCLE, PEDESTRIAN, AND RECREATIONAL VEHICLE USE

BICYCLE AND RECREATIONAL VEHICLE LANES

BRIDGE CONSTRUCTION AND RECONSTRUCTION

8810.8000 DEFINITIONS.

8810.8100 PURPOSE AND SCOPE.

8810.8110 ELIGIBILITY; RESTRICTION.

8810.8200 CONSTRUCTION, RECONSTRUCTION GRANT APPLICATION.

8810.8300 REGIONAL COMMISSION, METROPOLITAN COUNCIL REVIEW.

8810.8400 ESTABLISHMENT OF PRIORITIES.

8810.8500 BRIDGE AND ROADWAY SPECIFICATIONS.

EXHIBITS, FIGURES, AND TABLES

NONMOTORIZED TRAFFIC PROHIBITED ON INTERSTATE HIGHWAYS

8810.0050 ORDER 30757; INTERSTATE HIGHWAY EXCLUSIONS.

Pursuant to the Laws of Minnesota 1959, chapter 439, and after due consideration for safety and convenience of public travel on the main roadways, entrance and exit ramps to same on the national system of interstate and defense highways in Minnesota, it is hereby ordered that the use of such main roadways and ramps by pedestrians, bicycles, or other nonmotorized traffic, or by any person operating any such vehicle, is hereby prohibited.

Statutory Authority: *MS s 169.305*

Published Electronically: *August 6, 2012*

OUTDOOR ADVERTISING DEVICES

8810.0200 DEFINITIONS.

Subpart 1. **Terms defined by statute.** For the purpose of this rule, the terms "adjacent area," "advertising area," "advertising device," "business area," "commercial or industrial activities," "directional signs," "erect," "interstate highways," "maintain," "official signs and notices," "primary highway," "public utility signs," "scenic area," "service clubs and religious notices," "unzoned commercial or industrial area" shall have the meanings given them in Minnesota Statutes, chapter 173.

Subp. 2. **Back to back.** "Back to back" means that there shall not be more than an eight-foot distance between sign faces. Signs will face in opposite directions, and be owned by the same permittee.

Subp. 3. **Controlled freeway.** "Controlled freeway" means an expressway with full control of access.

Subp. 4. **Expressway.** "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separation at intersection.

Subp. 5. **Frontage road.** "Frontage road" means a local street or road auxiliary located on the side of an arterial highway for service to abutting property and for control of access.

Subp. 6. **On-premise sign.** "On-premise sign" means an advertising device located on the premises or contiguous property of an individual, business, or organization when the sale or lease of the premises or the identification, products, or services of the individual, business, or organization are the subject of the advertising device.

Subp. 7. **Roadbed.** "Roadbed" means that portion of the roadway between the outside edges of finished shoulders.

Subp. 8. **Side by side.** "Side by side" means there shall not be more than a two-foot distance between the closest edge of two signs facing the same highway(s) and direction of travel, and owned by the same permittee.

Subp. 9. **V-type sign.** "V-type sign" means that there shall not be more than an eight-foot distance between the closest edge of each sign face, and owned by the same permittee. Signs will be facing in opposite direction.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0300 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of these rules is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes 1969, chapter 173, as amended by Laws of Minnesota 1971, chapter 883, the Minnesota Outdoor Advertising Control Act, with reference to the placement and control of advertising devices and establishment of scenic areas on lands along and adjacent to the interstate and primary systems of highways in the state of Minnesota.

Subp. 2. **Scope.** The scope of these rules is confined to and consistent with Minnesota Statutes, sections 173.01 to 173.27.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0400 EXCLUSIONS AND EXEMPTIONS.

Subpart 1. **Property signs.** Signs erected by the owner or occupant of the property on which they are located that are not erected for the purpose of advertising to or attracting the attention of operators and occupants of motor vehicles on the primary or interstate system of highways (such

as no trespassing, no hunting or signs warning of impending danger on the land) are not deemed advertising devices and are excluded and exempt from regulation and control.

Subp. 2. **Additional exemptions.** In all areas the following types of advertising devices are excluded and exempt from regulation and control: devices erected or maintained for the purpose of posting or displaying information required or authorized by law; devices of which the advertising copy is not primarily viewed from any traveled portion of the interstate or primary highway or fully controlled freeway; official signs and notices; and public utility signs.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0500 PROHIBITED SIGNS AND MAINTENANCE.

Subpart 1. **Signs.** All signs erected or encroaching on any right-of-way or sign easement are illegal and must be removed.

Advertising devices with copy, message, or displays using words, color, statements, or illustrations which might imply official direction or control of traffic are prohibited.

Subp. 2. **Maintenance.** Maintenance of advertising devices which can only be serviced from the right-of-way of the interstate system of highways or controlled freeways is prohibited, except such devices may be serviced from frontage or service roads where they occur.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0600 MEASURING SIGN AREA.

In all areas, all signs shall be measured by the smallest square, rectangle, triangle, circle, or combination thereto, which will encompass the entire sign.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0700 BACK TO BACK, SIDE TO SIDE, AND V-TYPE SIGNS.

In all areas signs erected back to back, side by side, or in a V-type construction by one owner shall be deemed to be one sign structure and will be required to have only one permit. The largest advertising area on either side of the sign structure shall be the square foot measurement applicable to the permit fee schedule. Each side of a sign structure so designed shall be directed toward a different direction of travel, making it impractical to simultaneously view both sides of the structure from any one traffic lane.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.0800 SCENIC AREAS.

Subpart 1. **Establishing.** The commissioner shall establish scenic areas along the primary or interstate system of highways pursuant to Minnesota Statutes, section 173.04 and chapter 14.

Subp. 2. **Prohibited devices.** Advertising devices prohibited by Minnesota Statutes, sections 173.08, 173.13, and 173.15 are also prohibited in scenic areas.

Subp. 3. [Repealed, L 2017 1Sp3 art 3 s 144]

Statutory Authority: *MS s 173.01; 173.06; L 2017 1Sp3 art 3 s 144*

Published Electronically: *October 11, 2017*

8810.0900 SIGNS IN BUSINESS AREAS.

Subpart 1. **Areas within corporate limits.** Subject to the provisions of Minnesota Statutes, section 173.16 (signs erected after June 7, 1971, in a business area within a corporate limit), the maximum area of a sign face shall not exceed 1,000 square feet including border and trim, but excluding base and apron supports and other structural members. Maximum size limitation shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction, but not more than two displays to each side of a sign structure.

Subp. 2. **Areas outside corporate limits.** Subject to the provisions of Minnesota Statutes, section 173.16 (signs erected after June 7, 1971, outside of a corporate limit in a zoned or unzoned business area), the maximum area of a sign face shall not exceed 750 square feet including border and trim, but excluding base and apron supports and other structural members. Maximum size limitation shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction but not more than two displays to each side of a sign structure.

Subp. 3. **Nonrecognition of area.** For the purposes of Minnesota Statutes, section 173.02, subdivision 17, a business area shall not be recognized when the land on which the activity is conducted is operating on a grandfather clause, special use, variance, or temporary permit.

Subp. 4. **Termination of classification.** For the purposes of Minnesota Statutes, section 173.02, subdivision 17, if a business area is rezoned or ceases to meet the requirements of the law, these rules, or any other authority, such business area shall cease to exist and any then legal advertising device existing therein at such time shall become a legal nonconforming device.

Subp. 5. **Unzoned areas.** The establishment of an unzoned business area does not abrogate any more restrictive criteria established by law, this rule, or any other authority.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.1000 UNZONED COMMERCIAL OR INDUSTRIAL AREAS.

Subpart 1. **Measurements.** For the purposes of Minnesota Statutes, section 173.02, subdivision 24, unzoned commercial or industrial areas, all measurements shall be from the outer edges of the

regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activity, not from the property lines of the activity, and shall be along or parallel to the edge of the pavement of the highway.

Subp. 2. **Commercial or industrial activity.** For the purposes of Minnesota Statutes, section 173.02, subdivision 24, the unzoned commercial or industrial activity will be an activity which is in an area that would be generally recognized as commercial or industrial by zoning authorities within the state, and such activity without discrimination, except as to age, serves the general public, during normally accepted business hours and on a regularly scheduled basis of not less than 150 days of continuous operation, during a state annual permit period.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.1100 SPACING AND LOCATION FOR BUSINESS AREAS.

Subpart 1. **Measuring.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, distance restrictions between advertising devices apply only to those devices physically located on the same side of the highway regardless of the direction of travel to which the display or message is directed. Measurements to determine the location of one advertising device in relation to another will be made along the edge of the roadbed between the closest extremities of said devices, with the termini projected along lines perpendicular to the edge of the roadbed.

Subp. 2. **Intersections.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, clause (4), outside of incorporated cities, villages, or boroughs where an intersection includes ramps or legs, the intersection shall be construed as the entire area circumscribed by a line connecting all points where the outmost ramps or legs leave or enter the main traveled roadway and where they intersect with another highway or road. Advertising devices will not be permitted within 500 feet of the point where the outmost ramps or legs leave or enter the main traveled roadway or for 500 feet on the other highway or road from the point of its intersection with the ramps or legs, nor in the area between said points. This is defined as the area adjacent to the ramp and legs. Devices may however be affixed on or located to a building at such an intersection but in such a manner so as to cause no greater visual obstruction than the building itself.

Subp. 3. **Prohibited area at intersection.** For the purpose of Minnesota Statutes, section 173.16, subdivision 4, clause (5), on primary highways or fully controlled access freeways outside of incorporated cities, villages, or boroughs where there are no ramps or legs, the prohibited area at an intersection shall be construed as the entire area of 300 feet outwardly as measured along the roadway from the center point of two intersecting roadbeds. Advertising will not be permitted within this 300-foot area.

Subp. 4. **Another highway, defined.** For the purposes of Minnesota Statutes, section 173.16, subdivision 4, clauses (4) and (5), another highway shall mean any highway, street, road, or public way for vehicular travel, maintained by the state or any other public agency, which enters directly into the main traveled way of the highway which it is said to intersect.

Subp. 5. **T intersections.** For the purposes of Minnesota Statutes, section 173.16, subdivisions 4 and 5, the restrictive distances at "T" intersections shall apply to lands on both sides of the highway as though the road physically ending at the highway continued and extended beyond at a 90-degree angle as measured from the center line of the roadway.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

8810.1200 ADDITIONAL SPACING REQUIREMENTS.

Subpart 1. **Exempt and excluded devices.** Spacing restrictions as set forth in Minnesota Statutes, section 173.16 are not applicable between exempt and excluded devices described in part 8810.0400, subpart 2, and nonexempt devices.

Subp. 2. **Prohibited advertising areas.** For the purposes of Minnesota Statutes, section 173.08, subdivision 2, the restrictive distances that determine areas in which advertising devices are prohibited will apply to lands along and adjacent to interstate, primary highways and expressways and fully controlled freeways both before and beyond property used for any school, church, national, state or local park, historic site, public picnic area, wayside, overnight, or public safety rest area. Such restrictive distances shall be measured along the edge of the roadbed beginning at a point which is an extension, perpendicular to the edge of the roadbed, of the intersection of the property line of the area and the normal highway right-of-way line. The restrictive distances shall apply to lands along and adjacent to the opposite side of the interstate, primary highway, expressway and controlled freeway, as measured by an imaginary line crossing the highway.

Statutory Authority: *MS s 173.01; 173.06; L 2017 1Sp3 art 3 s 144*

Published Electronically: *October 11, 2017*

8810.1300 PERMITS, FEES, AND RENEWALS.

Subpart 1. **Permit applications.** Applications for permits may be obtained at any district office or central office of the Minnesota Department of Transportation. However, for the purpose of processing and approval, permit applications will be filed at or forwarded to the department's district office having jurisdiction over the area in which the advertising device is located.

The application for permit shall be filled out in its entirety and all applications will be processed in order of receipt. If an application has to be returned for any additional information required to properly evaluate the application, it will not retain its preference over any other application that may be pending for the same area.

All applications will be processed by the necessary department personnel and a permit will be issued or denied within 30 days after its arrival at the district office. With respect to applications received prior to the 15th day of the month, the permit fee will be charged as of the first day of that month. With respect to applications received on or after the 15th day of the month, the permit fee will be charged as of the first day of the following month.

Subp. 2. **Payment.** All applications must be accompanied by a certified check, bank draft, or money order unless prior arrangements are made with the commissioner of transportation.

Subp. 3. **Deadline.** The owner of any advertising device which was lawfully in existence on June 8, 1971, and which is not controlled by an annual permit must apply for a permit for such device by September 8, 1971.

Subp. 4. [Repealed, L 2017 1Sp3 art 3 s 144]

Subp. 5. **Void permits.** All permits issued for erection of a new advertising device are null and void if the erection of the device is not completed within 120 calendar days after the permit has been issued. If a permit is voided because of no erection there will be no refunds of moneys and a new application and process shall be initiated.

Subp. 6. [Repealed, L 1994 c 635 art 2 s 9]

Subp. 7. **Penalty.** Any advertising device for which no permit application or permit renewal has been submitted shall be removed pursuant to law.

Subp. 8. **Revocation and new applications.** When a permit is revoked pursuant to Minnesota Statutes, section 173.13, subdivision 10, applications for a permit for that site will be accepted from new applicants only after the outdoor advertising device of the former permit holder has been completely removed. New applications will be processed in the order in which they are received.

Subp. 9. **Disassembly.** For the purposes of Minnesota Statutes, sections 173.09, 173.13, subdivision 11, 173.17, 173.18, and 173.21, "remove," "removed," and "removal" shall mean the complete disassembly of the device including all component parts, except if removal would result in substantial structural damage to a building. All electrical services shall be disconnected, if any, and there shall be a complete removal of wires, conduit, and supporting structures, the filling of any ground excavations or holes and the removal from the property of all disassembled elements of the advertising device and its supporting structure.

Subp. 10. **Nonrenewal.** For the purpose of Minnesota Statutes, section 173.13, an advertising device for which a permit can be issued shall when erected be a complete billboard, sign, notice, poster, or display intended to advertise a product or legend. An advertising device which is painted out, or painted over, or advertising space for lease and which has so existed for one permit period shall not be considered for a permit or renewal. Where there are posts only, partial structure, company name markers, or no structure at all, a renewal shall not be issued.

Subp. 11. **Excluded notices.** Service club and religious notices shall not be governed by the provisions of Minnesota Statutes, section 173.16, subdivision 4, clause (2).

Subp. 12. **Changes requiring new permit.** For the purposes of Minnesota Statutes, section 173.13, subdivision 4, any change in advertising area which exceeds the advertising area for which a permit had been issued shall require a new permit application.

Statutory Authority: *MS s 173.01; 173.06*

History: *L 1994 c 635 art 2 s 9; L 2017 ISp3 art 3 s 144*

Published Electronically: *October 11, 2017*

8810.1400 CERTIFICATION OF ZONING.

For the purposes of Minnesota Statutes, section 173.16, subdivision 5, bona fide zoning authorities may request the commissioner of transportation to accept the legitimate local zoning applicable to control of advertising devices within legally zoned commercial or industrial areas. All requests for certification shall include information regarding regulation of size, lighting, spacing, and annual permit requirements as well as all pertinent information required to properly evaluate the application.

All certification shall apply to the then existing boundaries of the zoning authority and any further addition or elimination of land will be treated on an individual basis under the provisions of Minnesota Statutes, section 173.16, subdivision 2. All requests for certification shall include a copy of the minutes or procedure authorizing the zoning authority to request such certification from the commissioner of transportation.

All certification shall be on an annual basis and shall be based upon local enforcement. Failure to enforce may result in revocation of certification.

Statutory Authority: *MS s 173.01; 173.06*

Published Electronically: *August 6, 2012*

UTILITIES EQUIPMENT

8810.3100 DEFINITIONS.

Subpart 1. **Interstate highways.** Under this order "interstate highways" shall mean all trunk highways which are a part of the interstate system.

Subp. 2. **Noninterstate highways.** Under this order "noninterstate highways" shall mean all trunk highways which are not a part of the interstate system.

Subp. 3. **Trunk highways.** Under this order "trunk highways" shall mean all trunk highways including those which are a part of the interstate system.

Subp. 4. **Utility.** Under this order "utility" shall mean and include all privately, publicly, or cooperatively owned communication lines and facilities, any systems, lines, and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam, and other pipe lines, railways, ditches, flumes, or other structures which under the laws of this state or the ordinance of any village or city may be constructed, placed, or maintained across, along, or on trunk highway right-of-way. Dependent upon the meaning intended in the context, "utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

Statutory Authority: *MS s 161.45*

Published Electronically: *August 6, 2012*

8810.3200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.3100 to 8810.3600 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in the Laws of Minnesota 1959, chapter 500, article II, section 45 (Minnesota Statutes, section 161.45) with reference to the placing, constructing, reconstructing, and maintaining of utilities across, along, upon, or under the right-of-way of trunk highways.

Subp. 2. **Scope.** The scope of parts 8810.3100 to 8810.3600 is confined within the framework of and consistent with the Laws of Minnesota 1959, chapter 500, article II, section 45.

Statutory Authority: *MS s 161.45*

Published Electronically: *August 6, 2012*

8810.3300 PERMITS.

Subpart 1. **Construction.** Except as otherwise permitted, utility construction and relocation on trunk highway right-of-way shall not be commenced until an application for a permit for construction has been made and such permit granted. The permit for construction sketch shall show the location of the proposed utility with reference to pertinent features such as the right-of-way lines, curb lines, trunk highway center line, etc. A copy of the sketch shall be provided for each copy of such permit. Prints of trunk highway right-of-way maps are available upon request from the Road Plans Information Office, Department of Transportation Building, Saint Paul, Minnesota 55155.

Subp. 2. **Maintenance.** The utility shall obtain a work permit from the office of the assistant district engineer, maintenance, prior to performing service and maintenance operations on the interstate highways and shall also obtain a work permit prior to performing service and maintenance operations on the noninterstate highways when such operations require opening and disturbing the surface of the right-of-way thereof. In all other instances the utility shall notify the office of the assistant district engineer, maintenance, prior to performing service and maintenance operations on the noninterstate highways which interfere with the normal flow of traffic thereon. However, the company may perform service and maintenance operations on the trunk highways including opening and disturbing the surface of the right-of-way without a work permit in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. The utility upon knowledge of such an emergency shall immediately notify the State Patrol Division. The utility shall take all necessary and reasonable safety measures to protect the traveling public and shall cooperate fully with the State Patrol Division to that end. The utility in such an event will request a work permit from the office of the assistant district engineer, maintenance, not later than the second working day thereafter when a work permit would ordinarily have been required but for the emergency.

Subp. 3. **Orders to make improvements.** If at any time the state of Minnesota, acting through its commissioner of transportation, shall deem it necessary to make any improvements or changes on all or any part of the right-of-way of the trunk highway which affect a utility located on trunk highway right-of-way, then and in such event, the owner of the utility shall within 15 days after

written notice from the commissioner of transportation or an authorized agent, proceed to alter, change, vacate, or remove said utility from the trunk highway right-of-way so as to conform to said trunk highway changes and as directed by the commissioner of transportation. Such work shall be done without any cost whatsoever to the state of Minnesota except as otherwise provided by law or agreement and shall be completed within the date specified in said written notice, which date shall be reasonable under the circumstances. The utility shall assume all liability and save the state of Minnesota harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice. Notwithstanding the provisions of parts 8810.3100 to 8810.3600, the state may reimburse a municipality for the cost of the first relocation of a municipally owned utility located within the limits of a municipal street at the time that the street was taken over by the state as a trunk highway, when such relocation is required by construction or reconstruction of the trunk highway.

Subp. 4. **Along interstate highways.** Utilities along the interstate highways shall be located outside the control-of-access lines except as outlined below. Where the control-of-access lines coincide with the right-of-way lines, the utilities shall generally be located on private property. Where the control-of-access lines and right-of-way lines do not coincide, utilities may in general be located in the area between them. All utilities shall be serviced and maintained without access from the ramps, loops, and through traffic roadbeds. Utilities may be serviced from frontage roads and roads other than another interstate highway which cross either over or under the interstate highway. At aerial crossings of an interstate highway, supporting poles may be located on interstate highway right-of-way if they are a minimum of 30 feet beyond the shoulders of all through traffic roadbeds; however, in no event shall they be located in a median unless its width is 80 feet or more. Manholes and other points of access to underground crossings may be permitted on the interstate highway right-of-way only when located outside the shoulders of the through traffic roadbeds, loops, or ramps. The restrictions of this subpart shall not apply to utility lines which service facilities required for operating the interstate highway.

There may be extreme cases where, under strictly controlled conditions, a utility may be permitted inside the control-of-access lines along an interstate highway. In each case there must be a showing that any other utility location is extremely difficult and unreasonably costly to the utility consumer, that the installation on the right-of-way of the interstate highway will not adversely affect the design, construction, stability, traffic safety, or operation of the interstate highway and that the utility can be serviced without access from through traffic roadbeds, loops, or ramps.

Subp. 5. **Deposit, bond, or undertaking.** The commissioner of transportation may require the utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking in favor of the state of Minnesota, commissioner of transportation, for any expense incurred by the state in the repairing of damage to any portion of the trunk highway right-of-way caused by work performed under a work permit or a permit for construction, including any out of the ordinary engineering supervision and inspection expense provided by the state. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the special provisions of the permit. If a check is furnished, any moneys remaining over and above such expense shall be returned to the applicant.

Subp. 6. **Liability.** Except for the negligent acts of the state, its agents, and employees, the utility shall assume all liability for, and save the state, its agents and employees, harmless from, any and all claims for damages, actions, or causes of action arising out of the work to be done herein and the continuing uses by the utility, including but not limited to the placing, constructing, reconstructing, maintaining, and using of said utility under this application and permit for construction.

Subp. 7. **No easement.** The work permit or permit for construction as issued does not in any way imply an easement on private property.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

Published Electronically: *August 6, 2012*

8810.3400 STANDARDS FOR WORK CONDUCTED UNDER PERMIT.

Subpart 1. **Trees, brush, and vegetation.** At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the district engineer or an authorized representative for the cutting and trimming of trees within the trunk highway right-of-way. Wherever trees are cut the resulting stumps shall be removed unless otherwise provided in the special provisions of the permit for construction. Any holes caused by stump removal shall be backfilled, the area leveled, and all materials associated therewith disposed of outside the trunk highway right-of-way. The utility shall advise the district engineer or an authorized representative at least 48 hours in advance of its intent to start clearing and grubbing operations so that proper supervision can be provided.

Burning or disking operations and/or the use of chemicals to control or kill trees, brush, and other vegetation is prohibited without prior approval from the assistant district engineer, maintenance.

Subp. 2. **Waterways.** All waterways and lines of drainage shall remain operative.

Subp. 3. **Topsoil and sod.** Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.

Subp. 4. **Existing utility facilities.** The utility facility and installation shall not interfere with any existing utility facilities on the trunk highway right-of-way.

Subp. 5. **Warning devices.** When necessary, barricades, warning devices, and flaggers shall be provided by the utility during all phases of their construction and maintenance operations on the trunk highway right-of-way.

Subp. 6. **Restoration to original condition.** Upon completion of an installation, the utility shall restore the trunk highway right-of-way to its original condition. The utility shall then notify the office of the assistant district engineer, maintenance, or project engineer of the completion of the work so that inspection can be made to determine its acceptability.

Subp. 7. **Conformity.** The installations shall be made in conformity with all applicable laws, rules, and codes covering said installations. All installations shall be made in conformity with rules of governmental agencies for the protection of the public.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

Published Electronically: *August 6, 2012*

8810.3500 AERIAL LINES.

There shall be only a single pole line on the trunk highway right-of-way on either side of the center line thereof, unless otherwise authorized in the special provisions of the permit for construction.

Longitudinal installations on noninterstate trunk highways shall normally be located in the outer five feet of the right-of-way. At crossings of the noninterstate trunk highway, poles shall be placed at a minimum of 30 feet from the shoulder lines of the through roadbeds unless right-of-way widths are prohibitive to such location.

Unless clearly indicated on the permit for construction sketch, the location of all brace poles, anchors, and anchor poles within the limits of the trunk highway right-of-way shall be approved by the district engineer or an authorized representative prior to actual installation.

In those instances in which a utility is issued a permit or permits for construction on both sides of the trunk highway right-of-way in a given area, such permit is conditioned upon the utility subsequently providing joint use to other utilities upon reasonable terms mutually agreeable to the utilities.

Statutory Authority: *MS s 161.45*

History: *17 SR 1279*

Published Electronically: *August 6, 2012*

8810.3600 UNDERGROUND LINES.

All crossings of the roadbeds of the trunk highways shall be made by boring inside a casing or carrier pipe, or by jacking, unless this procedure is modified in the special provisions of the permit for construction. The auger shall not lead the casing or carrier pipe by more than one inch. Open trenching shall be restricted to the area from five feet beyond the shoulder to the right-of-way line except as modified in the special provisions of the permit for construction.

When pipes with bells or flanges are installed, the crossings of the roadbeds of trunk highway shall be made by boring inside a conduit, as provided in the preceding paragraph, of jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.

All voids caused by jacking or boring shall be filled by pressure grouting. The grout material shall consist of a sand-cement slurry of at least two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.

The underground utilities shall be so installed as virtually to preclude any necessity for disturbing the roadbeds to perform maintenance operations.

Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen trees.

Statutory Authority: *MS s 161.45*

Published Electronically: *August 6, 2012*

DRIVEWAYS

8810.4100 DEFINITIONS OF DISTRICT AND STREET CLASSIFICATIONS.

Subpart 1. **Scope.** In the absence of an established classification by local authorities, the definitions in subparts 2 to 5 shall govern.

Subp. 2. **Major street.** "Major street" means any road that has an average annual daily traffic volume of 1,500 vehicles or greater.

Subp. 3. **Minor street.** "Minor street" means any road that has an average annual daily traffic volume less than 1,500 vehicles.

Subp. 4. **Rural district.** "Rural district" means all other locations not meeting the urban district definition.

Subp. 5. **Urban district.** "Urban district" means those properties contiguous to the trunk highway system of the state of Minnesota, including any street, that are built up with structures devoted to business, industry, or dwelling houses where such structures are situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

8810.4200 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.4300 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.4100 to 8810.5600 is to establish certain optimum design specifications for driveways providing a means of ingress to and egress from private property located along and adjacent to the right-of-way of the trunk highway system of the state of Minnesota.

Subp. 2. **Scope.** The scope of parts 8810.4100 to 8810.5600 is confined within the framework of and intended to be consistent with Minnesota Statutes 1965, section 160.18, subdivision 3.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

8810.4400 DRIVEWAY PERMITS.

Authorization to construct or alter a driveway shall consist of a permit duly signed by the district engineer of the Minnesota Department of Transportation having responsibility for the maintenance and construction of the trunk highway in question. No driveway shall be constructed from or to a trunk highway until such permit has been obtained and supplemented by those permits that may be required by local governing authorities.

The commissioner of transportation may require the applicant, or their contractor, to furnish a deposit in the form of a cashier's check, certified check, a surety bond on corporate undertaking, in favor of the state of Minnesota, commissioner of transportation for any expense incurred by the state in the repairing of damage to any portion of the trunk highway right-of-way caused by work performed under a work permit or a permit for construction, including any out of the ordinary engineering supervision and inspection expense provided by the state. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the special provisions of the permit. If a check is furnished, any moneys remaining over and above such expense shall be returned to the applicant.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

8810.4500 [Repealed, L 2003 1SP19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.4600 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.4700 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.4800 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.4900 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.5000 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.5100 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.5200 CHANGES IN USE.

In the event of a change in land use or major change in the traffic pattern of the existing facility, existing driveways are not automatically perpetuated and new driveway access applications shall be submitted.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

8810.5300 REVOKING ACCESS.

If the terms of the permit are violated, or if the commissioner of transportation determines that continuance of a driveway access is particularly hazardous, the commissioner may under the authority vested by law revoke the access.

Statutory Authority: *MS s 160.18*

History: *17 SR 1279*

Published Electronically: *August 6, 2012*

8810.5400 PROHIBITED USES.

No part of the right-of-way of a trunk highway or of a street over which a trunk highway is routed may be used for servicing of vehicles or the conduct of private business.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

8810.5500 [Repealed, L 2003 1Sp19 art 2 s 79]

Published Electronically: *August 6, 2012*

8810.5600 VARIANCES.

A variance from the standards set forth in parts 8810.4100 to 8810.5500 may be allowed by the commissioner when the variance will facilitate the safe, efficient use of the property for a lawful purpose and will not interfere with the construction, maintenance, or safe and efficient use of the highway and its appurtenances by the public.

Statutory Authority: *MS s 160.18*

Published Electronically: *August 6, 2012*

BICYCLE, PEDESTRIAN, AND RECREATIONAL VEHICLE USE

8810.6000 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.6100 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

BICYCLE AND RECREATIONAL VEHICLE LANES

8810.6300 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.6400 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.6500 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.6600 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.6700 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.6800 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.6900 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.7000 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

BRIDGE CONSTRUCTION AND RECONSTRUCTION

8810.8000 DEFINITIONS.

Subpart 1. **Abandonment.** "Abandonment" means the abandoning of an existing bridge.

Subp. 1a. **Agency.** "Agency" means a county, municipality, or township.

Subp. 2. **Bridge.** "Bridge" is defined as a structure including supports erected over a depression or an obstruction such as water, highway, or railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. Illustrations of measurements are shown as Figures 1 to 4. This definition of a bridge includes, for application of parts 8810.8000 to 8810.8500, only those railroad bridges over or under a public highway or street.

FIGURE 1: MEASUREMENT OF BRIDGE BETWEEN UNDERCOPINGS

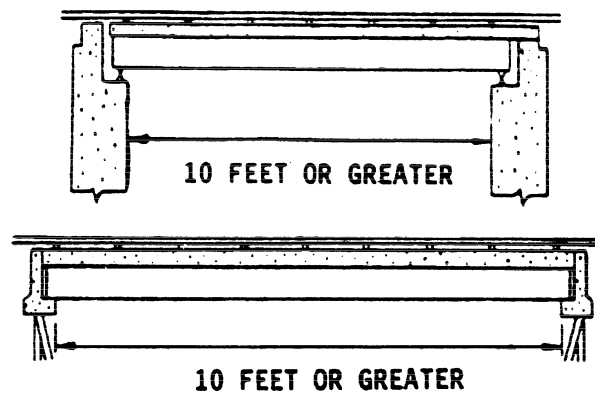


FIGURE 2: MEASUREMENT OF STRUCTURE BETWEEN SPRING LINES

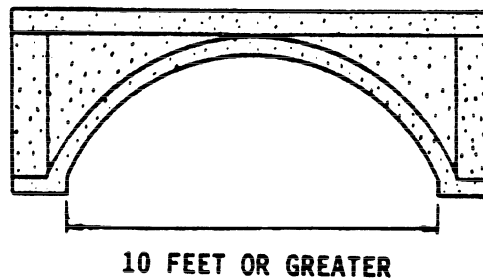


FIGURE 3: MEASUREMENT OF BOX CULVERTS

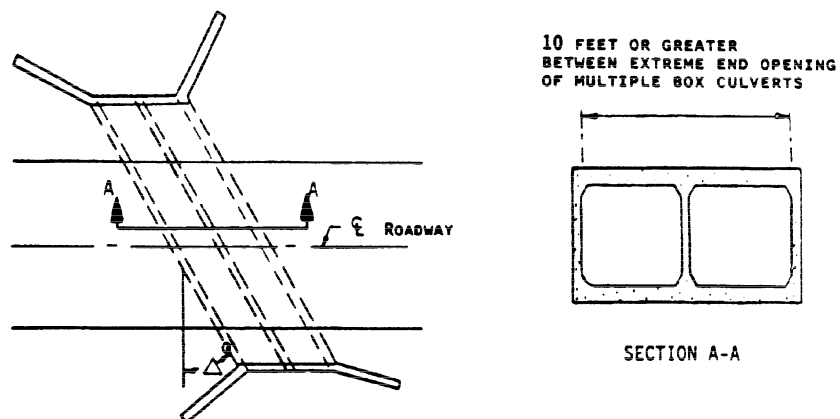
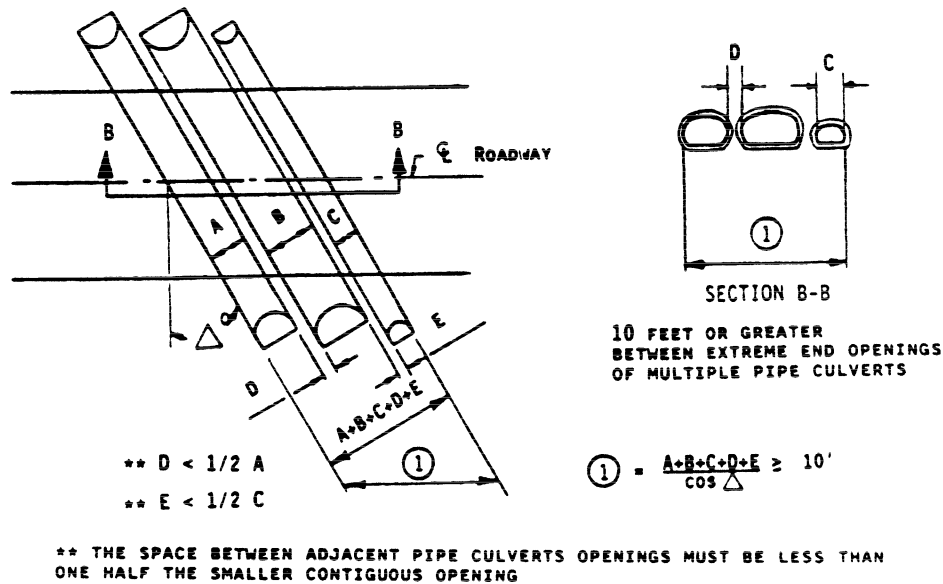


FIGURE 4: MEASUREMENT OF MULTIPLE CULVERTS



Subp. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 4. **Construction.** "Construction" means the construction of a road, street, or bridge to replace an existing deficient bridge or a bridge that has been destroyed.

Subp. 5. **Metropolitan council.** "Metropolitan council" means a commission established in accordance with Minnesota Statutes, chapter 473.

Subp. 6. **Reconstruction.** "Reconstruction" means the reconstruction of an existing deficient bridge.

Subp. 7. **Regional development commission.** "Regional development commission" means a commission established by the state planning officer in accordance with Minnesota Statutes, chapter 462.

Subp. 8. **Road systems defined.** "Other roads or streets" means those local roads and streets, not on the state-aid system, under the jurisdiction of the counties, municipalities, and townships.

"State-aid" means the system of roads and streets established and designated by the commissioner under the jurisdiction of a county or urban municipality.

"Trunk highway" means the system of routes established by law, the location of which has been established by the commissioner under the jurisdiction of the state of Minnesota.

Subp. 9. **Urban municipality.** "Urban municipality" means any city having 5,000 or more population determined in accordance with the provisions of law.

Statutory Authority: *MS s 174.50*

History: 15 SR 963

Published Electronically: August 6, 2012

8810.8100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.8000 to 8810.8500 is to carry out the mandate of the legislature and to implement that mandate as set forth in Minnesota Statutes, section 174.50.

Subp. 2. **Scope.** The scope of parts 8810.8000 to 8810.8500 is intended to be confined within the framework of and consistent with Minnesota Statutes, section 174.50.

Statutory Authority: MS s 174.50

History: 15 SR 963

Published Electronically: August 6, 2012

8810.8110 ELIGIBILITY; RESTRICTION.

For purposes of eligibility for funding under parts 8810.8000 to 8810.8500, some restrictions apply as follows:

A. Railroad bridges are eligible only if they are under the jurisdiction of a local unit of government. The replacement of a private bridge owned by a railroad company is not eligible.

B. A bridge to be constructed where no previous bridge exists is not eligible.

Statutory Authority: MS s 174.50

History: 15 SR 963

Published Electronically: August 6, 2012

8810.8200 CONSTRUCTION, RECONSTRUCTION GRANT APPLICATION.

Subpart 1. **Counties.** The county board in cooperation with other local units of government within the county, other than urban municipalities, shall determine a proposed program for the construction or reconstruction of key bridges within the county other than urban municipal or trunk highway bridges.

This county board by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge within the county and request funding.

When local units of government cannot reach agreement with the county board, the local units of government may apply independently. Then the local unit of government by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge and request funding.

Subp. 2. **Urban municipalities.** The city council by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges or remove an abandoned bridge within the municipality and request funding.

Subp. 3. **State highway system.** The commissioner shall establish the bridge construction and/or reconstruction program for the trunk highway system.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

Published Electronically: *August 6, 2012*

8810.8300 REGIONAL COMMISSION, METROPOLITAN COUNCIL REVIEW.

The commissioner shall submit the application of the agencies to the proper regional development commission or metropolitan council, as the case may be, for review of consistency with long-term comprehensive development plans and guides for which the agencies are responsible.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

Published Electronically: *August 6, 2012*

8810.8400 ESTABLISHMENT OF PRIORITIES.

The commissioner, using information furnished by the local units of governments from the statewide bridge inventory, shall establish a statewide priority of bridge construction or reconstruction.

This priority must be based on the relative seriousness of each bridge's deficiencies as determined from the inventory and appraisal after considering the following criteria established in Minnesota Statutes, section 174.50, subdivision 6:

- A. effectiveness of the project in eliminating a deficiency in the transportation system;
- B. number of persons affected by the deficiency;
- C. economic feasibility;
- D. effect on optimum land use and other concerns of state and regional planning;
- E. availability of other financing capability; and
- F. adequacy of provision for proper operation and maintenance after construction.

When the required documentation has been completed, construction plans are complete, and priorities have been established, the commissioner shall notify the local units of government, as to funding availability from the Minnesota state transportation fund or federal funds.

The local unit of government shall by resolution agree to the terms and conditions specified in the notification by the commissioner consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3).

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

Published Electronically: *August 6, 2012*

8810.8500 BRIDGE AND ROADWAY SPECIFICATIONS.

The minimum geometric standards for bridge construction and roadway construction are as described in chapter 8820.

Statutory Authority: *MS s 174.50*

History: *15 SR 963*

Published Electronically: *August 6, 2012*

8810.9000 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9100 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9200 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9300 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9400 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9500 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9600 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9700 [Repealed, L 2012 c 287 art 3 s 65]

Published Electronically: *August 6, 2012*

8810.9800 [Repealed, 15 SR 1516]

Published Electronically: *August 6, 2012*

EXHIBITS, FIGURES, AND TABLES

8810.9910 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.9911 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.9912 [Repealed, L 2017 1Sp3 art 3 s 144]

Published Electronically: *October 11, 2017*

8810.9913 [Repealed, L 2017 1Sp3 art 3 s 144]
Published Electronically: *October 11, 2017*

8810.9920 [Repealed, L 2003 1Sp19 art 2 s 79]
Published Electronically: *August 6, 2012*

8810.9921 [Repealed, L 2003 1Sp19 art 2 s 79]
Published Electronically: *August 6, 2012*