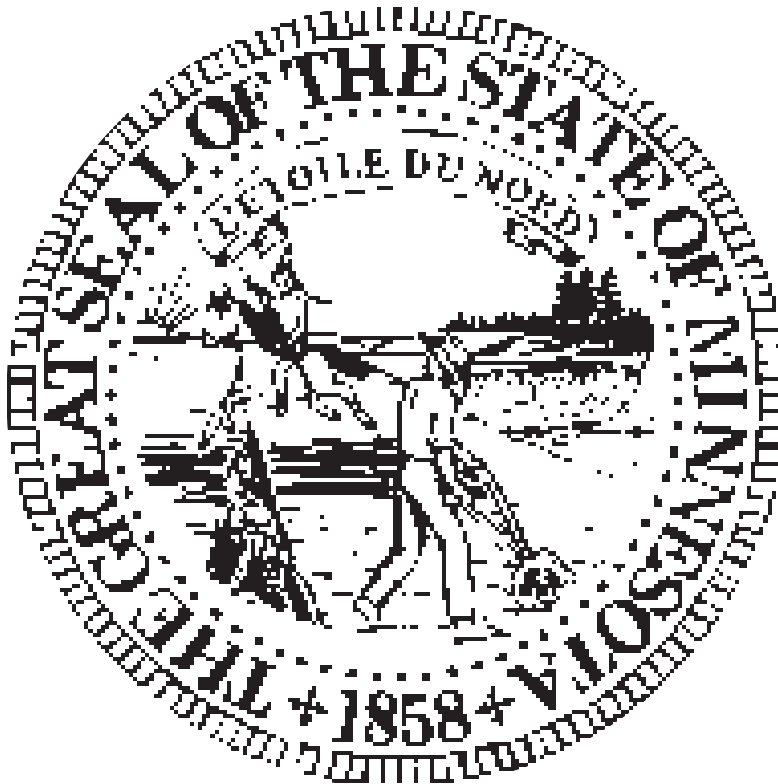


The Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 31 August 1998
Volume 23, Number 9
Pages 485-554

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

| Vol. 23 Issue Number | PUBLISH DATE | Deadline for both Adopted and Proposed RULES | Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts |
|---|---------------------|---|---|
| # 9 | Monday 31 August | Noon Wednesday 19 August | Noon Tuesday 25 August |
| #10 | Tuesday 8 September | Noon Wednesday 26 August | Noon Tuesday 1 September |
| #11 | Monday 14 September | Noon Wednesday 2 September | Noon Tuesday 8 September |
| #12 | Monday 21 September | Noon Wednesday 9 September | Noon Tuesday 15 September |
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Publication Number: 326630. (ISSN 0146-7751)

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Contact: Senate Public Information Office (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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| 9575.1350; .1370; .1390; .1400; .1510 (repealed) | 82 | |

Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Labor and Industry

Proposed Amendment to Rules Governing Workers' Compensation; Rules of Practice, Penalty Provisions; *Minnesota Rules*, Chapter 5220

Notice of Extension of Time for Comment

The period to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules, or to request a hearing for the above mentioned rules published at *State Register*, Volume 23, Number 7, page 396 is extended to September 30, 1998. The agency contact person for comment or questions is:

Marie O'Neill
Department of Labor and Industry
Legal Services Division
443 Lafayette Road
St. Paul, Minnesota, 55155
(651) 296-2486; FAX (651) 296-8899; TTY (651) 297-4198

Dated: 20 August 1998

Michael Houliston
Deputy Commissioner

Department of Trade and Economic Development

Minnesota Public Facilities Authority

Proposed Permanent Rules Relating to the Transportation Revolving Loan Fund

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Rules Governing the Transportation Revolving Loan Fund, *Minnesota Rules*, Parts 7380.0705 through 7380.0775.

Introduction. The Department of Trade and Economic Development intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 1, 1998, a public hearing will be held in Conference Room A, Metro Square Building, 121 7th Place East, Suite 500, St. Paul, Minnesota 55101-2146, starting at 9:00 a.m. on Tuesday, October 13, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 1 and before October 13.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Laurie Ukofia at Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 Seventh Place East, St. Paul, Minnesota 55101-2146, phone (612) 297-2290 or FAX (612) 296-5287. TTY users may call the Department of Trade and Economic Development at (612) 282-6142.

Subject of Rules and Statutory Authority. The proposed rules are about the Minnesota Public Facilities Authority's management and administration of the Transportation Revolving Loan Fund. The statutory authority to adopt the rules is *Minnesota Statutes*, section 446A.085. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, October 1, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 1, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for October 13, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Laurie Ukofia at (651) 297-2290 after October 1, 1998 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2542, and FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the

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| <p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p> |
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Proposed Rules

Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Use of Advisory Committees. Two committees were used for developing these rules. One committee was a task force and consisted of the following people:

Terry Kuhlman, Department of Trade and Economic Development
Jeff Freeman, Department of Trade and Economic Development
Laurie Ukofia, Department of Trade and Economic Development
Jeanne Aamodt, Mn/DOT Alternative Transportation Financing
Pat Bursaw, Mn/DOT Metro Division
Dick Bautch, Mn/DOT District 7A
Tony Hames, Mn/DOT District 6A
Bruce Briese, Mn/DOT Financial Management
Dick Swanson, Mn/DOT Financial Management
Bob Hofstad, Mn/DOT Office of Investment Management
Frank Van De Steeg, Mn/DOT Office of Investment Management
John Tompkins, Mn/DOT Office of Investment Management
Hope Jensen, Mn/DOT Office of Investment Management
Brad Larsen, Mn/DOT Office of Investment Management
Deb Ledvina, Mn/DOT Office of Investment Management
Khani Sahebjam, Mn/DOT State Aid
Dave Wolverter, MN/DOT Audit
Sheri Koch, Federal Highway Administration

The other committee that assisted the agency in developing these rules was an advisory team. This committee consisted of the following people:

Natalio Diaz, Metropolitan Council
Ann Higgins, League of Minnesota Cities
David Jessup, City of Woodbury
Wes Judkins, RDC, Region 9 DC
Carol Lovro, Association of MN Counties
Carl Ohrn, Metropolitan Council
Jon Olson, Anoka County Highway Department
Bob Thompson, Metro Transit
Margaret Donahoe, Senate Transportation
Susan Moe, Federal Highway Administration
Gary Pagel, Senate Transportation Committee
Shannon Pharr, House Transportation Committee
Amy Vennewitz, Senate Research
John Williams, House Research
Dwight Pederson, Minnesota Department of Finance
Terry Kuhlman, Department of Trade and Economic Development
Jeff Freeman, Department of Trade and Economic Development
Laurie Ukofia, Department of Trade and Economic Development

Becky Sabie, Department of Trade and Economic Development
Donna Allan, Mn/DOT Office of Transit
Charlie Reiter, Mn/DOT Rochester/Olmsted COG
Dick Borson, Mn/DOT Operations Division
Bruce Briese, Mn/DOT Finance Management
Mike Christensen, Mn/DOT Metro Division
Bob Hofstad, Mn/DOT Office of Investment Management
Hope Jensen, Mn/DOT Office of Investment Management
Frank Van De Steeg, Mn/DOT Office of Investment Management
Brad Larsen, Mn/DOT Office of Investment Management
Deb Ledvina, Mn/DOT Office of Investment Management
Khani Sahebjam, Mn/DOT State Aid
Keith Shannon, Mn/DOT Office of Bridges and Structures
Adeel Lari, Mn/DOT Alternative Transportation Financing
Al Vogel, Mn/DOT Office of Freight, Raid and Waterways

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Disclosure Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed previously.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated previously.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 17 August 1998

Gary Fields
Deputy Commissioner

TRANSPORTATION REVOLVING LOAN FUND

7380.0705 PURPOSE.

The transportation revolving loan fund provides loan assistance to eligible borrowers for approved transportation projects. The program is jointly administered by the Minnesota Department of Transportation and the Minnesota Public Facilities Authority. Minnesota Statutes, section 446A.085, authorizes the Minnesota Public Facilities Authority to manage and administer the fund and establishes the transportation committee of the Minnesota Public Facilities Authority to review and approve financial assistance to projects certified by the commissioner of transportation. Parts 7380.0705 to 7380.0775 provide for the authority's administration of its duties under Minnesota Statutes, section 446A.085. Parts 8800.0050 to 8800.0500, as proposed at 23 SR 497, provide for the Department of Transportation's responsibilities.

7380.0715 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 7380.0705 to 7380.0775 have the meanings given them in this part.

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| <p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p> |
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Proposed Rules

Subp. 2. **Act.** “Act” means the National Highway System Designation Act of 1995, Public Law Number 104-59, as amended.

Subp. 3. **Applicant.** “Applicant” means an eligible borrower under Minnesota Statutes, section 446A.085, subdivision 1, paragraph (b), that applies for a loan from the fund.

Subp. 4. **Application.** “Application” means the documents submitted to the executive director of the authority by an applicant that contain information and data in support of the applicant’s loan request to the authority. The application includes the complete application forms provided by the authority. Municipal applicants must submit a municipal profile and current annual budget, or financial forecasts, as applicable, and financial audits for the last three years. Financial information regarding a private entity that is submitted by an applicant in support of a loan application to the authority, which may include credit reports, financial statements, and net worth calculations, is private data with regard to data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 12, and nonpublic data as defined in Minnesota Statutes, section 13.02.

Subp. 5. **Authority.** “Authority” means the Minnesota Public Facilities Authority created in Minnesota Statutes, chapter 446A.

Subp. 6. **Basis point.** “Basis point” means the shorthand reference to 1/100 (0.01) of one percent.

Subp. 7. **Bond market index.** “Bond market index” means a nationally recognized index of yields on tax-exempt bonds, mainly of investment grade, that issuers would pay on issues of various maturities.

Subp. 8. **Debt service account.** “Debt service account” means a separate bookkeeping account established and maintained in a borrower’s official financial records to account for the accumulation of resources for, and the payment of, the general obligation bond or revenue bond purchased by the authority to effect the loan transaction for the financing of the borrower’s project.

Subp. 9. **Dedicated sources of revenue.** “Dedicated sources of revenue” means one or more sources of revenue pledged by a borrower for repayment of the loan.

Subp. 10. **Department.** “Department” means the Minnesota Department of Transportation.

Subp. 11. **Eligible costs.** “Eligible costs” means all or part of the cost of a project that may be financed by a loan from the fund provided the costs are reasonable and necessary and permitted under the act and Minnesota Statutes, section 446A.085. Eligible costs include capitalized interest.

Subp. 12. **Executive director.** “Executive director” means the executive director of the authority.

Subp. 13. **Financial capability.** “Financial capability” means the capability of a borrower to retire debt incurred from the fund, as determined by its fiscal and socioeconomic data through such measures as: population trends, median household income, debt per capita, composition of municipal long-term debt, debt service coverage ratio, revenue coverage ratio, planned capital improvements, liquidity, revenue forecasts, audits or financial statements, as applicable, income and earning forecasts, financial forecasts, credit reports, and net worth calculations.

Subp. 14. **Fund.** “Fund” means the transportation revolving loan fund created in Minnesota Statutes, section 446A.085.

Subp. 15. **General obligation bond.** “General obligation bond” means a bond or note that is secured by the full faith and credit of a borrower as provided in Minnesota Statutes, chapter 475.

Subp. 16. **Loan.** “Loan” means financial assistance as defined in Minnesota Statutes, section 446A.085, subdivision 1, paragraph (d).

Subp. 17. **Loan agreement.** “Loan agreement” means the financing agreement between the borrower and the authority that provides the interest rate and the terms and conditions of the loan.

Subp. 18. **Municipal profile.** “Municipal profile” means a written document prepared by a municipality that describes, at a minimum, population trends, major employers, building permits, largest taxpayers, trends of estimated market values, property tax rates, property tax collection, net tax capacity, indebtedness, budget forecasts, project capital expenditures, educational and health care facilities, and other information deemed necessary by the authority or its rating agencies to make an informed determination on the creditworthiness of the municipality.

Subp. 19. **Revenue bond.** “Revenue bond” means a bond or note payable from one or more specified sources of revenue and to which the full faith and credit of the issuing entity is not pledged.

Subp. 20. **Transportation committee.** “Transportation committee” means a committee of the authority, acting on behalf of the authority, as provided in Minnesota Statutes, section 446A.085, subdivision 1.

7380.0725 APPLICATIONS.

Subpart 1. **Evaluation of loan applications.** The executive director and staff shall evaluate loan applications for projects certified by the department. Loan applications must provide sufficient information to allow the authority to make an informed determination about whether:

A. the financing of the project is fully ensured;

B. the applicant has the financial capability to repay the loan;

C. collateral is being provided by the applicant to secure the loan to the extent required in part 7380.0735, subpart 3; and

D. the applicant has the capability to comply with Minnesota Statutes, section 446A.085, parts 7380.0705 to 7380.0775, the loan agreement, and the covenants of the general obligation bond or revenue bond that will be issued by the applicant to the authority.

Subp. 2. **Approval or rejection of loan applications.** The transportation committee shall approve a loan application unless it is rejected for one or more of the following reasons:

A. failure of the applicant to ensure full project financing;

B. failure of the applicant to demonstrate financial capability to repay the loan;

C. failure of the applicant to collateralize the loan to the extent required in part 7380.0735, subpart 3;

D. failure to develop a dedicated source of revenue sufficient to ensure timely repayment of the loan; or

E. failure of the applicant to demonstrate its capacity to comply with Minnesota Statutes, section 446A.085, parts 7380.0705 to 7380.0775, the loan agreement, and the covenants of the general obligation bond or revenue bond issued by the applicant to the authority.

Subp. 3. **Loan agreement.** When the applicant is ready to proceed with a project for which a loan application has been approved by the transportation committee, the executive director shall prepare a loan agreement.

7380.0735 LOAN CONDITIONS.

Subpart 1. **In general.** Conditions for loans provided by the authority to borrowers for certified projects are as provided by the act, Minnesota Statutes, section 446A.085, parts 7380.0705 to 7380.0775, any applicable bond resolution or series bond resolution of the authority, the loan agreement, and the general obligation bond or revenue bond issued by the borrower to the authority for the project financing.

Subp. 2. **Specific conditions.** The conditions in items A to E apply to borrowers receiving a loan from the fund.

A. Borrowers other than the department shall provide a general obligation bond or revenue bond to the authority for the full amount of the loan. Borrowers must use a nationally recognized bond counsel identified as such and included in The Bond Buyer's Municipal Marketplace Directory to prepare bond and other related documents and render an opinion to the authority.

B. The maximum term of the loan shall not exceed the useful life of the project.

C. The borrower shall designate and maintain a dedicated source or sources of revenue sufficient to fully amortize the loan.

D. The borrower shall designate and maintain a debt service account.

E. The borrower shall begin making interest payments no later than one year after the execution of the loan agreement and principal payments on the loan no later than three years after the execution of the loan agreement. Subsequent principal and interest payments must be made in the amounts and at the times given in the loan agreement.

Subp. 3. **Collateral.** For borrowers providing a revenue bond for a private activity loan as provided in part 7380.0745, subpart 3, the authority shall take a security interest in privately held capital assets or real property to collateralize the loan.

7380.0745 INTEREST RATE DETERMINATIONS.

Subpart 1. **Bond market index.** Except as provided in subpart 4, the interest rate charged to a borrower shall be as described in items A to C and shall be based on the bond market index on the day prior to the date of the loan agreement.

A. A borrower providing a general obligation bond to the authority shall be charged interest based on the yields for a Aaa rated issue.

B. The department shall be charged interest based on the yields for a Aaa rated issue.

C. A borrower providing a revenue bond to the authority shall be charged interest based on the yields for a Baa rated issue.

Subp. 2. **Discounts.** The discount given to a borrower shall be as described in items A and B.

A. The authority shall set annually by resolution the discount, if any, that shall be applied to the interest rate determined in subpart 1.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

B. A borrower under 5,000 population shall receive an additional discount of 100 basis points.

Subp. 3. **Private activity loans.** If a loan meets the definition of private activity under section 141 of the *Internal Revenue Code* of 1986, as amended, the interest rate shall be determined by dividing the rate determined in subparts 1 and 2 by 0.75.

Subp. 4. **Loans funded through the sale of authority bonds.** The interest rates charged to a borrower whose project is funded through the sale of authority bonds shall be based on the yields on the authority's bonds, minus any discount set by resolution by the authority.

7380.0755 OTHER FINANCIAL ASSISTANCE.

In addition to loans, the authority may provide other forms of financial assistance as provided in the act and in *Minnesota Statutes*, section 446A.085, subdivision 1. The transportation committee shall determine when other forms of financial assistance are appropriate based on existing financial conditions, the impact on the viability of the fund, the financial capacity of the borrower, and the advantages to the borrower.

7380.0765 RELEASE OF FUNDS.

Subpart 1. **In general.** Subject to the availability of funds, disbursements to the borrower shall be made as project costs are incurred in accordance with applicable state and federal law governing such disbursements. In addition, no disbursements shall be made to a borrower until and unless the authority has determined the total estimated cost of the project and ascertained that the financing of the project is ensured by:

A. a loan authorized by state law or appropriation of bonds or other money of the borrower to fund for the construction of the project; and

B. an irrevocable undertaking, by resolution of the borrower, to use all the money made available for the project exclusively for the project and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the borrower.

Subp. 2. **Adverse change.** The authority shall not release funds to a borrower for an approved project until the authority has determined that there has been no adverse change in the financial capacity of the borrower since the day of the completion of the application. The authority reserves the right to suspend or terminate funding to a borrower if the authority determines that there has been an adverse change.

Subp. 3. Withholding, disallowance, or termination of disbursements.

A. The authority shall withhold or disallow either total or partial disbursements if requested by the department, or if the borrower fails to comply with the requirements of the act, *Minnesota Statutes*, section 446A.085, parts 7380.0705 to 7380.0775, the loan agreement, or the general obligation bond or revenue bond issued by the borrower to the authority.

B. If the authority withholds disbursements under item A, the executive director shall give a borrower written notice of the reasons and the time in which the borrower must demonstrate to the authority's satisfaction that the condition has or will be corrected. If the condition has not been corrected in the specified time period, withheld disbursements may be terminated. Termination of disbursements means that the amount of the loan available to the borrower is reduced by the amount terminated.

7380.0775 REPORTS, DISCLOSURE, AND AUDITS.

Subpart 1. **Project status reports.** During the term of the loan the borrower shall provide written reports to the authority. The content and timing of these reports must be as specified in the loan agreement.

Subp. 2. **Disclosure.** During the term of the loan the borrower must, on its own volition, disclose to the authority any material information or events impacting the creditworthiness of the borrower, including, but not limited to, those requirements contained in rule 15c2-12 promulgated by the United States Securities and Exchange Commission, *Code of Federal Regulations*, title 17, section 240.15c2-12. If and when required by this rule, as determined by the authority, the borrower shall enter into a continuing disclosure document in a form provided by the authority.

Subp. 3. **Audits.** During the term of the loan, the borrower must provide to the authority on an annual basis a financial audit conducted by an independent accounting firm.

Department of Transportation

Proposed Permanent Rules Relating to the Transportation Revolving Loan Fund

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Rules Governing the Transportation Revolving Loan Fund, *Minnesota Rules*, Parts 8805.0050 through 8805.0500.

Introduction. The Department of Transportation (Mn/DOT) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 1, 1998, a public hearing will be held in Conference Room 116 B, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55103, starting at 9:00 a.m. on Monday, October 19, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 1 and before October 19, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Deb Ledvina at Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, phone (651) 282-2282, FAX (651) 296-3019. TTY users may call the Department of Transportation's Office of Communications at (651) 296-9930 or 1-800-657-3994.

Subject of Rules and Statutory Authority. The proposed rules are about the evaluation and certification of transportation projects under the Transportation Revolving Loan Fund Program. The statutory authority to adopt the rules is *Minnesota Statutes*, section 446A.085, subdivision 13. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, October 1, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 1, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for October 19, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing will be held on the rules. If you requested a public hearing the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Debra Ledvina at (651) 282-2282 after October 1, 1998 to find out whether the hearing will be held.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-1542, and FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Use of Advisory Committees. Two committees were used in developing these rules. One committee was a task force and consisted of the following people:

Jeanne Aamodt, Mn/DOT, Alternative Transportation Financing
Dick Bautch, Mn/DOT District 7A
Bruce Briese, Mn/DOT, Financial Management
Pat Bursaw, Mn/DOT Metropolitan Division
Jeff Freeman, Department of Trade and Economic Development
Tony Hames, Mn/DOT District 6A
Bob Hofstad, Mn/DOT, Office of Investment Management
Hope Jensen, Mn/DOT, Office of Investment Management
Sheri Koch, FHWA
Terry Kuhlman, Department of Trade and Economic Development
Brad Larsen, Mn/DOT, Office of Investment Management
Deb Ledvina, Mn/DOT, Office of Investment Management
Khani Sahebjam, Mn/DOT, State Aid Division
Dick Swanson, Mn/DOT, Financial Management
John Tompkins, Mn/DOT, Office of Investment Management
Laurie Ukofia, Department of Trade and Economic Development
Frank Van De Steeg, Mn/DOT, Office of Investment Management
Dave Wolvert, Mn/DOT, Audit Section

The other committee that assisted the agency in developing these rules was an advisory team. This committee consisted of the following people:

Donna Allan, Office of Transit
Bonnie Berezovsky, Senate Counsel
Dick Borson, Operations Division
Bruce Briese, Finance Management
Mike Christensen, Metropolitan Division
Margaret Donahoe, Senate Transportation
Jeff Freeman, Department of Trade and Economic Development

Bob Hofstad, Office of Investment Management
Hope Jensen, Office of Investment Management
Terry Kuhlman, Department of Trade and Economic Development
Adeel Lari, Office of Alternative Transportation Financing
Brad Larsen, Office of Investment Management
Deb Ledvina, Office of Investment Management
Susan Moe, FHWA
Gary Pagel, Senate Transportation Committee
Shannon Pharr, House Transportation Committee
Dwight Pederson, Department of Finance
Becky Sabie, Department of Trade and Economic Development
Khani Sahebjam, State Aid
Keith Shannon, Office of Bridges and Structures
Laurie Ukofia, Department of Trade and Economic Development
Frank Van De Steeg, Office of Investment Management
Amy Vennewitz, Senate Research
Al Vogel, Office of Freight, Rail and Waterways
John Williams, House Research
Natalio Diaz, Metropolitan Council
Ann Higgins, League of Minnesota Cities
David Jessup, City of Woodbury
Wes Judkins, RDC, Region 9 DC
Carol Lovro, Association of MN Counties
Carl Ohrn, Metropolitan Council
Jon Olson, Anoka County Highway Department
Charlie Reiter, Rochester/Olmsted COG
Bob Thompson, Metro Transit

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and located listed above.

Dated: 18 August 1998

James N. Denn
Commissioner

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Proposed Rules

8805.0050 PURPOSE.

The transportation revolving loan fund (TRLF) is a state fund that can be used by eligible borrowers to finance approved transportation projects. The purpose of the TRLF is to attract new funding into transportation, encourage innovative approaches to financing transportation projects, and help build needed transportation infrastructure. The TRLF can provide loans and other types of financial assistance to eligible borrowers to finance transportation projects. When the loans are repaid, the funds are returned to the TRLF and used to finance another set of projects, creating a continually expanding pool of money for transportation projects.

The TRLF is jointly administered by the Minnesota Department of Transportation and the Minnesota Public Facilities Authority. *Minnesota Statutes*, section 446A.085, authorizes the Minnesota Public Facilities Authority to manage and administer the fund and establishes the transportation committee of the Minnesota Public Facilities Authority to review and approve financial assistance to projects certified by the commissioner of transportation. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee. Parts 8805.0050 to 8805.0700 establish procedures for and information that will be used to certify projects to the transportation committee of the Minnesota Public Facilities Authority. Parts 7380.0705 to 7380.0775, as proposed at 23 S.R. 490, provide for the administration of the Minnesota Public Facilities Authority's responsibilities.

8805.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 8805.0100 to 8805.0500 have the meanings given them in this part.

Subp. 2. **Act.** "Act" means section 350 of the National Highway System Designation Act of 1995 (Public Law Number 104-59), as amended, and all rules and regulations adopted under the act.

Subp. 3. **Applicant.** "Applicant" means an eligible borrower under *Minnesota Statutes*, section 446A.085, subdivision 1, paragraph (b), that applies for a loan from the fund.

Subp. 4. **Application.** "Application" means the documents submitted to the commissioner by an applicant which contains information and data in support of the applicant's loan request to the authority. The application includes the completed application forms provided by the commissioner and the authority.

Subp. 5. **Authority.** "Authority" means the Minnesota Public Facilities Authority created in *Minnesota Statutes*, chapter 446A.

Subp. 6. **Benefit-cost analysis.** "Benefit-cost analysis" evaluates the benefits to society of a project in comparison to the project's costs. Benefits are the additions to society's resources that result from a program or project. Costs are the resources used to carry out the program or bring about the project. Wherever possible, benefits and costs are valued in monetary terms to permit comparison and aggregation. Discounting reduces future benefits and costs to a single present value equivalent. The net present value of each investment alternative is the present value of benefits less the present value of costs. A positive net present value is desirable.

Subp. 7. **Certification.** "Certification" means the official approval by the commissioner of a transportation project to receive a loan from the fund. Certification does not mean that an applicant will receive a loan but that a project has been evaluated by the commissioner and considered to be an appropriate transportation project to receive funding. Once a project is certified, the authority shall conduct a financial evaluation of the application using the criteria in parts 7380.0705 to 7380.0775, as proposed at 23 S.R. 490. An applicant may be approved to receive a loan only when this financial evaluation is completed and found to be satisfactory.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the department.

Subp. 9. **Cost-effectiveness analysis.** "Cost-effectiveness analysis" evaluates the cost at which project objectives are achieved. Cost-effectiveness analysis is used when it is difficult or impractical to obtain a valuation of the benefits of a project. Cost-effectiveness analysis estimates the total cost of accomplishing a specified objective such as improving travel times.

Subp. 10. **Department.** "Department" means the Minnesota Department of Transportation.

Subp. 11. **District.** "District" means the department office located in one of eight geographical areas of the state of Minnesota. The district is responsible for the development, construction, preservation, maintenance, and safety of the portion of the state's transportation system located within its specific geographic boundaries. District includes the department's metropolitan division.

Subp. 12. **Fund.** "Fund" means the transportation revolving loan fund created in *Minnesota Statutes*, section 446A.085.

Subp. 13. **Loan.** "Loan" means financial assistance for all or part of the cost of the project as defined in *Minnesota Statutes*, section 446A.085, subdivision 1, paragraph (d).

Subp. 14. **Metropolitan planning organization.** "Metropolitan planning organization" means an organization of local governments designated by the governor as the organization responsible for transportation policies and planning for the designated metropolitan area they serve. Metropolitan planning organizations exist in urbanized areas over 50,000 population. They are responsible for carrying out the metropolitan transportation planning process required by *United States Code*, title 23, section 134, and title 49, section 8.

Subp. 15. **Regional development commission.** "Regional development commission" means an organization of local governments established pursuant to *Minnesota Statutes*, sections 462.383 to 462.398. The purpose of regional development commissions

is to ensure coordination of state, federal, and local comprehensive planning and development programs for the solution of economic, social, physical, and governmental problems of the state and its citizens.

8805.0200 ELIGIBLE PROJECTS.

To be eligible for a TRLF loan, a project must be eligible for funding under the act, *United States Code*, title 23 or 49, *Minnesota Statutes*, section 446.085, subdivision 2, and any other applicable federal and state law.

8805.0300 APPLICATION INFORMATION.

Subpart 1. **Application needed.** An applicant must complete an application for a loan from the fund. Application forms can be obtained from Mn/DOT, Office of Investment Management, 395 John Ireland Boulevard, Saint Paul, Minnesota 55155.

Subp. 2. **Application information.** In addition to the information listed in *Minnesota Statutes*, section 446A.085, subdivision 7, information requested from the applicant shall include:

A. the nature and purpose of the project, including the need for the project and the reasons why the project is in the public interest; and

B. other information the commissioner may require to evaluate the project for certification and related to the information listed in part 8805.0400.

Subp. 3. **Application review.** The commissioner shall review all completed applications upon receipt. The commissioner shall evaluate proposed projects based on the information listed in part 8805.0400 and *Minnesota Statutes*, section 446A.085, subdivision 8. The commissioner shall make a decision concerning the certification of the proposed project according to the procedures set forth in part 8805.0500.

8805.0400 PROJECT EVALUATION CRITERIA.

In addition to the information listed in *Minnesota Statutes*, section 446A.085, subdivision 8, when evaluating a transportation project for certification to the authority, the commissioner shall consider the following criteria:

A. if the project has regional significance as determined by the district where the project is located after consultation with local transportation entities including, but not limited to, metropolitan planning organizations, regional development commissions, counties, and cities;

B. if the project is consistent with applicable state, regional, and/or local transportation plans approved by the department, districts, metropolitan planning organizations, regional development commissions, counties, cities, or other regional or local governmental entities;

C. if the project will use, create, or obtain funding from sources not traditionally used for transportation projects such as special assessments, tax increment financing, user/customer fees, or local government option sales taxes;

D. if the project will be ready to commence when funds are disbursed;

E. if a project is part of a larger project, whether the larger project will be fully funded and completed; and

F. if the project will provide greater user benefits in relation to the project's cost, as determined by a benefit-cost analysis, cost-effectiveness analysis, or other economic analysis.

8805.0500 PROJECT CERTIFICATION.

Subpart 1. **Certification decision.** The commissioner shall make a decision of whether to certify a project after the commissioner reviews the application under part 8805.0300 and has evaluated the project using the criteria listed in part 8805.0400. A project shall be certified by the commissioner if it meets the eligibility criteria in part 8805.0200 and receives a favorable rating from the application of the criteria in part 8805.0400.

Subp. 2. **Notice of decision.** Applicants shall be notified in writing of the certification decision of the commissioner. Approval or disapproval of a project for certification shall include the rationale or reasons upon which the decision is based. A project that is certified by the commissioner shall be submitted to the authority along with the application. The authority shall conduct a financial evaluation of the application using the information and criteria in parts 7380.0705 to 7380.0775, as proposed at 23 S.R. 490.

Subp. 3. **Alteration of project.** If there is any change to the project after the project is certified by the commissioner and before the authority has executed a loan agreement with the applicant according to the rules of the authority, part 7380.0725, subpart 4, as proposed at 23 S.R. 490, the applicant must notify the commissioner of the change and the commissioner must approve the alteration in writing before a loan agreement for the project is executed.

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Department of Transportation

Proposed Permanent Rules Relating to State-Aid Operations

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Amendments of Rules Governing State Aid Operations concern Minimum Shoulder Widths on Rural State Aid Highways, Turnback Project Funding, Bridge Rehabilitation, Reconditioning Standards, Suburban Standards, Payback on Revoked State Aid Routes, Payment Schedules, Maintenance Account Advances, State Aid Construction Account Payments for Right of Way and Supplemental Agreements, Advances from County Funds, Bonding, Transportation Revolving Loan Fund Loans, Bonding for Maintenance Facilities, Town Bridge Account Advances, Use of State Aid Funds on Local Roadways, Plan Approval, Town Bridge Eligibility, Natural Preservation Route Standards, and Bicycle Route Standards, Minnesota Rules, chapter 8820.

Introduction. The Department of Transportation intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on Thursday, October 1, 1998, a public hearing will be held in the Transportation Building, Room G-14, at 9:00 a.m. on Tuesday, October 27. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after 8:30 a.m., on Monday, October 5, 1998, and before 4:30 p.m., October 26, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Paul Stine, Division of State Aid for Local Transportation, Mail Stop 500, 395 John Ireland Blvd., St. Paul, Minnesota 55155, telephone (651) 296-9973, FAX (651) 282-2727.

Subject of Rules and Statutory Authority. *Minnesota Statutes*, section 162.02 subdivision 2, and *Minnesota Statutes*, Section 162.09, subdivision 2 grant the Commissioner the authority to promulgate rules to govern these state-aid programs.

The proposed rules concern minimum shoulder widths on rural state aid highways, turnback project funding, bridge rehabilitation, reconditioning standards, suburban standards, payback on revoked state aid routes, payment schedules, maintenance account advances, state aid construction account payments for right of way and supplemental agreements, advances from county funds, bonding, transportation revolving loan fund loans, bonding for maintenance facilities, town bridge account advances, use of state aid funds on local roadways, plan approval, town bridge eligibility, natural preservation route standards, and bicycle route standards. The statutory authority to adopt the rules is *Minnesota Statutes*, section 162.02, subdivision 2 which states that the commissioner shall promulgate rules necessary to carry out the respective duties conferred on them by this chapter.

A free copy of the proposed rule is available upon request from the agency contact person listed above.

Nature and Effect of Proposed Rule Amendment. The principal reason rules changes are proposed at this time are to incorporate the findings and recommendations of two Task Forces. The two task forces were the Geometric Design Standards Task Force and the Turnback Task Force.

The Geometric Task Force was convened by the Commissioner in reaction to a Minnesota Planning report titled "Within Our Means" (January 1995). This report stated that public funds might be saved if roadway design width standards were reduced, particularly for lower-volume county, township, and municipal roads. The Geometric Design Standards Task Force included City, County, State Aid Division representatives, and representatives of other Minnesota Department of Transportation Divisions. The Task Force investigated roadway lane and shoulder widths. The findings and recommendation of their final report necessitated several changes to the state-aid rules.

The Turnback Task Force was created due to an increase in released trunk highways over the past few years which will require more funds than currently appropriated to the Turnback Accounts. This Task Force of Minnesota Department of Transportation personnel was charged to investigate the process and funding of projects that repair trunk highways that have been released (turned back) to the authority of a city or county and designated as part of their state-aid system. A certain portion of the gas tax is allocated annually to Municipal Turnback and County Turnback Accounts to fund these projects. The recommendations of this task force resulted in a need to change state-aid rules.

Because the rules process was opened due to the two reasons stated above, a variety of other rules changes are proposed, either to address specific minor issues, make technical changes, or to clarify existing rules.

All proposed changes were developed as one rules "package" for adoption. Combining all rulemaking directives into one rule-making was considered to be more an effective and efficient use of resources.

Comments. Written comments in support of or in opposition to the proposed rules or any part or subpart of the rules are due before 4:30 p.m. on Thursday, October 1, 1998. Your comments must be in writing and received by the agency contact person by

the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, October 1, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explaining the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than the proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for Tuesday, October 27, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-9973 after 8:30 a.m., Monday, October 26, 1998 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan W. Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, phone (612) 341-7609, and fax (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, section 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written view or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written view or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

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Proposed Rules

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 17 August 1998

James N. Denn, Commissioner
Department of Transportation

8820.0100 DEFINITIONS.

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

Subp. 2. **Advance.** "Advance" means the authorized expenditure of ~~local funds or state-aid funds from another account, in lieu of state-aid funds from a specified account, by a county or urban municipality~~ future funds from any funds available for use on an approved state-aid project. ~~By agreement with the commissioner, the~~ Advanced funds will be repaid to the ~~county or urban municipality from future county or municipal state aid allotments or from future county or municipal turnback funds~~ appropriate account from subsequent apportionments in accordance with the commissioner's policy.

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

Subp. 2d. [See renumbering instruction.]

Subp. 2e. **Bridge rehabilitation.** "Bridge rehabilitation" means (1) the partial reconstruction of an existing bridge to meet current design criteria and construction standards or (2) a project that fixes the deterioration in the structure and also improves the geometrics or load-carrying capacity to the minimum criteria set forth in this chapter, but may not provide improvement to meet new design standards.

[For text of subps 3 to 13a, see M.R.]

Subp. 13b. **Reconditioning.** "Reconditioning" includes replacement or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Replacement or rehabilitation of the pavement structure does not include significant subgrade correction. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Work does not normally extend beyond the existing ditch bottom.

[For text of subps 14 to 15, see M.R.]

Subp. 15b. [See renumbering instruction.]

Subp. 15c. **Suburban.** "Suburban" means an area both in a subdivided area or an area in a detailed development process, and where physical restraints are present that prevent reasonable application of the rural design standards.

[For text of subps 16 to 22, see M.R.]

8820.0800 ROUTE DESIGNATIONS.

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

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

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 and reconstruction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing or reconditioning project is ten years. Payback is not required if the state-aid construction was a special resurfacing project.

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

[For text of subps 1 to 4a, see M.R.]

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

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

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

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

A. ~~One hundred~~ 100 percent of the town road account-; and

B. maintenance funds:

(1) ~~Fifty~~ 50 percent of the available maintenance allotment, after reduction for bond interest if any, from the regular account of each county-;

(2) ~~Fifty~~ 50 percent of the maintenance allotment from the municipal account of each county-; except that counties desiring to receive less than 50 percent must submit a request prior to January 1; and

(3) ~~Fifty~~ 50 percent of the available maintenance allotment, after reduction for bond interest if any, to each urban municipality.

Subp. 6. **Additional advances.** On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed ~~above, in an amount not to exceed 40 percent of the total maintenance allocations, except that the entire remaining amount may be released to those urban municipalities receiving the minimum maintenance allocation specified in subpart 3; below:~~

A. 40 percent of the available maintenance allotment, after reduction for bond interest if any, from the regular account of each county;

B. 40 percent of the maintenance allotment from the municipal account of each county if requested prior to January 1; and

C. the entire remaining available amount, after reduction for bond interest if any, to those urban municipalities receiving the minimum maintenance allocation specified in subpart 3.

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

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. Upon further receipt of a signed supplemental agreement for a major addition to the contract, or appraised values for additional right-of-way costs, 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 supplemental agreement or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon proof of acquisition and availability of funds, 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.~~

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Proposed Rules

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available and remaining money due to the state-aid portion of the contract.

[For text of subps 3 to 6, see M.R.]

Subp. 7. **Right-of-way.** State-aid payments for right-of-way costs on approved projects must be limited to 95 percent of the approved claim until the acquisition of right-of-way parcels required for the project is are actually completed and the final costs established. Each parcel contained in an approved right-of-way plan must be considered as separate entities in regard to payment eligibility.

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 county's available balance, ~~then, subject to limits of the law,~~ the county may make advances from any state-aid or local funds available to the county for the construction of that project. The request for an advance must be in the form of a resolution. Advances repaid from the turnback account must be processed according to part 8820.2900, subpart 4. The commissioner shall repay the advanced funds out of subsequent county construction account apportionments or turnback account apportionments in accordance with the terms and conditions specified in the approved request.

Subp. 9. **Advance from county state-aid highway fund.** 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 county's available balance, ~~then, subject to limits of the law,~~ the county may request to advance funds from the county state-aid highway fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the county state-aid fund out of subsequent county construction account apportionments or turnback account apportionments in accordance with the terms and conditions specified in the approved request.

The county screening board shall recommend to the commissioner procedures for prioritizing requests for advance funding and a minimum balance for the county state-aid highway account, below which no further advances may be granted.

Subp. 9a. **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 county's~~ 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~~ State Aid Contract.

[For text of subps 10 and 10b, see M.R.]

Subp. 11. **County or municipal bond account.** With regard to a county or municipal bond account, a county or urban municipality that resolves to issue bonds payable from the appropriate state-aid fund in accordance with law for the purpose of establishing, locating, relocating, constructing, reconstructing, or improving state-aid streets or highways and, for a county only, constructing buildings and other facilities for maintaining a county state-aid highway under its jurisdiction, shall certify to the commissioner within 30 days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the bonded debt. The commissioner shall set up a bond account, itemizing the total amount of principal and interest involved and shall annually certify to the commissioner of finance the amount needed from the appropriate state-aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate state-aid maintenance fund to pay the current interest. The total maximum annual repayment of funds loaned from the transportation revolving loan fund and bond funds that may be paid with state-aid funds is limited to 50 percent of the amount of the county's or urban municipality's last annual construction allotment preceding the bond issue. Proceeds from bond sales are to be expended only on approved state-aid projects and for items determined to be eligible for state-aid reimbursement. A county or urban municipality ~~which that~~ intends to expend bond funds on a specific state-aid project shall notify the commissioner of this intent without delay upon awarding a contract or executing a force account agreement. Upon completion of each such project, a statement of final construction costs must be furnished to the commissioner by the county or the urban municipality. Counties may only fund the portion of maintenance buildings and structures related to state-aid transportation maintenance operations. If a building or structure or any portion of it is used for other than state-aid maintenance purposes during its useful life, the commissioner may determine an amount the county shall pay back to the county's maintenance account.

Subp. 11a. **Transportation revolving loan fund.** The commissioner shall set up a payment schedule that matches the transportation revolving loan fund repayment schedule, itemizing the total amount of principal and interest. The amount needed from the appropriate state-aid construction fund to pay the principal due on the loan and the amount needed from the appropriate state-aid maintenance fund to pay the current interest must be paid to the county or urban municipality.

The total maximum annual repayment of funds loaned from the transportation revolving loan fund and state-aid bond funds subject to reimbursement from state-aid funds due in any calendar year is limited to 50 percent of the amount of the county's or urban municipality's last annual construction allotment at the time of the loan.

The loaned funds subject to reimbursement from state-aid funds are to be expended only on approved state-aid projects and for items determined to be eligible for state-aid reimbursement.

A county or urban municipality that intends to borrow funds for a specific state-aid project shall notify the commissioner of this intent without delay upon awarding a contract or executing a force account agreement and submittal of a Report of State Aid Contract.

Upon completion of each state-aid project, a statement of final construction costs must be furnished to the commissioner by the county or the urban municipality in the form of a Report of Final Estimate.

[For text of subp 12, see M.R.]

8820.1800 TRANSFERS FOR HARDSHIP CONDITIONS OR OTHER LOCAL USE.

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

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. That portion of the county or city apportionment attributable to needs must not be used on the local system.

A construction ~~plan~~ project 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 State Aid for Local Transportation Division 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.

8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.

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

Subp. 1a. **Town bridge account.** Further, a percentage of the ~~county turnback account~~ net highway user tax distribution fund ~~is~~ set aside and must be used for replacement or reconstruction of town bridges 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~~ net highway user tax distribution fund must be apportioned to the counties for the construction, reconstruction, and maintenance of town roads. This account is known as the town road account.

[For text of subps 2 to 6, see M.R.]

Subp. 6a. **In lieu payment.** In lieu of contracting work or force account work, the commissioner, with concurrence of the receiving agency, may enter into an agreement to pay a lump sum payment from the turnback account to the road and bridge account equal to the net value of eligible turnback costs for a project to be constructed within 20 years of the release date.

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

8820.2500 MINIMUM STATE-AID STANDARDS.

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

Subp. 1a. **Geometric design standards.** The standards in part 8820.9920 apply to rural design undivided roadways, new or reconstruction.

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Proposed Rules

~~The standards in part 8820.9934 apply to suburban design roadways that meet indicated conditions, new or reconstruction.~~

The standards in part 8820.9936 apply to urban design roadways, new or reconstruction.

The requirements in parts 8820.9926 and 8820.9946 apply to ~~resurfacing~~ reconditioning projects.

The vertical clearances for underpasses in part 8820.9956 apply.

The standards in parts 8820.9981 and 8820.9986 apply to designated forest highways within national forests and state park access roads within state parks and to designated natural preservation routes.

The standards in part 8820.9995 apply to bicycle paths.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Parking provisions.** The criteria in part ~~8820.9960~~ 8820.9961 must be used in establishing diagonal parking. The criteria in parts ~~8820.9935, 8820.9940, 8820.9936 and 8820.9945~~ 8820.9946 must be used where parallel parking is used.

8820.2800 CONSTRUCTION REQUIREMENTS.

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

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~~ opening bids or approving a force account agreement are eligible for state-aid construction funds, except as provided in subpart 8.

[For text of subps 3 to 8, see M.R.]

8820.2900 TURNBACK AND TOWN BRIDGE ACCOUNT EXPENDITURES.

Subpart 1. **Eligibility; former trunk highways.** 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 urban municipal jurisdiction after July 1, 1965, and that are a part of the county state-aid highway or municipal state-aid street system, except when the commissioner makes a lump sum payment under part 8820.2300, subpart 6a.

For trunk highways released after December 31, 1992, approval of plans for the initial construction of a turnback project is limited to a period of five 15 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.** The town bridge account may be used to pay the cost to replace or reconstruct a town bridge, or to abandon an existing bridge that is deficient and in need of replacement but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge. A town bridge is eligible for replacement ~~or~~ reconstruction, or abandonment 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. Except as otherwise provided by law, payment to the counties is limited to ~~90 percent, except may be 100 percent where provided by law,~~ of the cost of the bridge; and must be made in accordance with part 8820.2300, subpart 7.

Subp. 3. **Plan approval and construction requirements.** Plans for county or municipal state-aid turnback or town bridge projects must be submitted to the commissioner and be approved before reconstruction or improvement work is undertaken, except when the commissioner makes a lump-sum payment under part 8820.2300, subpart 6a. State-aid rules consistent with the turnback regulations apply to projects to be financed from the county or municipal turnback accounts or the town bridge account.

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

8820.9920 GEOMETRIC DESIGN STANDARDS; RURAL UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural undivided roadways must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

[NOTE: THE FOLLOWING TABLE DOES NOT SHOW AMENDED, EXISTING LANGUAGE AS STRICKEN (IT HAS BEEN DELETED). NEW LANGUAGE IS NOT UNDERSCORED.]

Proposed Rules

| Pro- jected ADT | Lane Width | Shoulder Width | In- slope | Recovery Area | Design Speed | Sur- facing | Struc- tural Design Strength | Bridges to Remain (f) Width Curb-Curb |
|-----------------------|-------------------|-------------------|--------------|-------------------|---|----------------|---------------------------------------|---|
| (b) | | | (c) | (d) | (e) | | | |
| | meters | meters | rise: run | meters | km/h | | metric tons | meters |
| 0-49 | 3.3 (11 ft) | 0.3 (1 ft) | 1:3 | 2 (6.5 ft) | 50- 100 (30- 60 mph) | Agg. | | 6.6 (22 ft) |
| 50- 149 | 3.3 (11 ft) | 0.9 (3 ft) | 1:4 | 3 (10 ft) | 60- 100 (40- 60 mph) (g) | Agg. | | 6.6 (22 ft) |
| 150- 749 | 3.6 (12 ft) | 1.2 (4 ft) | 1:4 | 5 (16 ft) | 60- 100 (40- 60 mph) | Paved | 8.2 (9 tons) | 8.4 (27.5 ft) |
| 750- 1499 | 3.6 (12 ft) | 1.2 (4 ft) | 1:4 | 8 (26 ft) | 60- 100 (40- 60 mph) | Paved | 8.2 (9 tons) | 8.4 (27.5 ft) |
| 1500 and over | 3.6 (12 ft) | 1.8 (6) (h) | 1:4 | 9 (29.5 ft) | 60- 100 (40- 60 mph) | Paved | 9.1 (10 tons) | 9.0 (29.5 ft) |

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum 9.1 metric tons (ten tons) structural design and minimum 60 kilometers per hour (40 mph) design speed.

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

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Proposed Rules

(c) Applies to slope within recovery area only.

(d) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 675-millimeter (30-inch) vertical height allowed without protection in the recovery area.

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour (40 mph), and either the ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

For roadways in suburban areas as defined in part 8820.0100, the recovery area may be reduced to a width of three meters (ten feet) for projected ADT under 1,000 and to six meters (20 feet) for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 60 k/hr (40 mph) or less, the recovery area may be reduced to a width of three meters (ten feet).

(e) Subject to terrain.

(f) Inventory design rating M 13.5 required. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds is not deficient structurally or hydraulically.

(g) Design speed of 50 kilometers per hour (30 mph) allowed off of the state-aid and federal-aid systems.

(h) Initial roadbed width must be adequate to provide a finished roadbed width for 8.2 metric tons design. Shoulders are required to be a minimum width of 2.4 meters (eight feet) for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

MS 22.5 loading or load and resistance factor design (LRFD) is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths plus 1.2 meters (four feet).

8820.9926 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; ~~RESURFACING~~ RECONDITIONING PROJECTS.

Subpart 1. ~~Minimum resurfacing reconditioning standards.~~ Reconditioning projects for rural undivided roadways must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

| Present ADT | Proposed Structural Design Strength | Pavement Width | Shoulder- Shoulder Width | Design Speed |
|-----------------|--|-----------------------|--|-----------------|
| | (metric tons) | (meters) | (meters) | (km/h) |
| Under 100 | 6.4 | 6.6 | 7.8 | 50 |
| 100 - 749 | 6.4 | 6.6 | 7.8 | 60 |
| 750 - 999 | 6.4 | 6.6 | 9.0 | 60 |
| 1000 and over | 6.4 | 7.2 | 9.0 | 60 |
| Existing ADT | Statutory or Regulatory Posted Speed | Lane Width (Paved) | Combined Lane (Paved) and Shoulder Width | |
| | km/h | meters | meters | |
| Below 750 | Under 80 km/h (50 mph) | 3.0 (10 ft) | 3.3 (11 ft) | |
| Below 750 | 80 km/h (50 mph) or over | 3.0 (10 ft) | 3.6 (12 ft) | |

| | | | |
|-----------------|--|------------------------------|------------------------------|
| <u>Over 750</u> | <u>Under 80 km/h</u> <u>(50 mph)</u> | <u>3.0</u> <u>(10 ft)</u> | <u>3.6</u> <u>(12 ft)</u> |
| <u>Over 750</u> | <u>80 km/h</u> <u>(50 mph & over)</u> | <u>3.3</u> <u>(11 ft)</u> | <u>4.3</u> <u>(14 ft)</u> |

Engineering judgment may be used to choose a lane or shoulder width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. M 13.5 loading is required.

Any highway that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, but does not meet current standards for vertical or horizontal alignment, may be ~~resurfaced~~ reconditioned and may retain the existing vertical and horizontal alignment where safety considerations based on engineering judgment do not warrant improvements.

The proposed structural design strength must be 6.4 metric tons (seven tons).

Subp. 2. [See repealer.]

8820.9936 GEOMETRIC DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

| Functional Classification and Projected Traffic Volume | Design Speed | Lane Width (a) | Curb Reaction Distance | Parking Lane Width |
|--|---|--|--|--|
| | (km/h) | (meters) | (meters) | (meters) |
| Collectors or Locals with ADT < 10000* | 50-60 km/h <u>(30-40 mph)</u> over 60 km/h <u>(40 mph)</u> | 3.3 (b) <u>(11 ft)</u> 3.6 <u>(12 ft)</u> | 0.6 <u>(2 ft)</u> 0.6 <u>(2 ft)</u> | 2.4 <u>(8 ft)</u> 3.0 <u>(10 ft)</u> |
| Collectors or Locals with ADT ≥ 10000 and Arterials | 50-60 km/h <u>(30-40 mph)</u> over 60 km/h <u>(40 mph)</u> | 3.3 (b) <u>(11 ft)</u> 3.6 <u>(12 ft)</u> | 1.2 (c) <u>(4 ft)</u> 1.2 (c) <u>(4 ft)</u> | 3.0 <u>(10 ft)</u> 3.0 (d) <u>(10 ft)</u> |

(a) One-way turn lanes must be at least three meters (ten feet) wide, except 3.3 meters (11 feet) is required if the design speed is over 60 kilometers per hour (40 mph).

(b) Wherever possible, lane widths of 3.6 meters (12 feet), rather than 3.3 meters (11 feet), should be used.

(c) May be reduced to 0.6 meters (two feet) if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 70 kilometers per hour (45 mph).

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a 0.3 meter (one foot) reaction distance to the median is required on either side of the median. Minimum median width is 1.2 meters (four feet).

Urban design roadways must be a minimum 8.2 metric ~~ton~~ tons (nine tons) structural design.

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Proposed Rules

A new or rehabilitated bridge must have a curb-to-curb width equal to the required street width. MS 22.5 loading or LRFD design is required for new bridges and a minimum of MS 16 loading is required for rehabilitated bridges.

Clearance of 0.5 meter (1.5 feet) from the face of the curb to fixed objects must be provided when the posted speed is 60 to 70 kilometers per hour (40 to 45 mph). A three-meter (ten-foot) clearance from the driving lane must be provided when the posted speed exceeds 70 kilometers per hour (45 mph).

For volumes greater than 15,000 projected ADT*, at least four through-traffic lanes are required.

*Additional average daily traffic may be allowed 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.

8820.9946 GEOMETRIC DESIGN STANDARDS, URBAN; ~~RESURFACING~~ RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following ~~table~~ design chart, total width is in meters, from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum metric dimensions indicated in the chart. The rounded English equivalent is provided for informational purposes only.

| Number of Through Lanes, Functional Class, and Present Traffic Volume | Total Width with No Parking | Total Width with Parking on One Side | Total Width with Parking on Both Sides | Proposed Structural Design Strength |
|---|-----------------------------|--------------------------------------|--|-------------------------------------|
| | <u>meters</u> | <u>meters</u> | <u>meters</u> | (metric tons) |
| 2-Lane Collector or Local with ADT < 10000 | 7.8 (<u>26 ft</u>) | 9.6 (<u>32 ft</u>) | 11.4 (<u>37 ft</u>) | 8.2(b) (<u>9 tons</u>) |
| 4-Lane Collector or Local with ADT < 10000 | 13.2 (<u>43 ft</u>) | 15.6 (<u>51 ft</u>) | 18.0 (<u>59 ft</u>) | 8.2(b) (<u>9 tons</u>) |
| 2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a) | 7.8 (<u>26 ft</u>) | 9.6 (<u>32 ft</u>) | 12.6 (<u>41 ft</u>) | 8.2 (<u>9 tons</u>) |
| 4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial | 13.2 (<u>43 ft</u>) | 16.2 (<u>53 ft</u>) | 19.2 (<u>63 ft</u>) | 8.2 (<u>9 tons</u>) |
| 6-Lane Collectors or Arterials | 19.8 (<u>65 ft</u>) | (c) | (c) | 8.2 (<u>9 tons</u>) |

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, 6.4 metric tons (seven tons) is allowable.

(c) No parking is allowed.

Minimum design speed is 50 kilometers per hour (30 mph). When a median is included in the design of the two-way roadway, a 0.3 meter (one foot) reaction distance to the median is required on either side of the median. Minimum median width is 1.2 meters (four feet).

Subp. 2. **One-way streets.** In the following ~~table~~ design chart, total width is in meters, from face-to-face of curbs.

Proposed Rules

Reconditioning projects for one-way urban roadways must meet or exceed the minimum metric dimensions indicated in the chart. The rounded English equivalent is provided for informational purposes only.

| Number of Through Lanes and Functional Class | Present ADT | Total Width with No Parking <u>meters</u> | Total Width with Parking on One Side <u>meters</u> | Total Width with Parking on Both Sides <u>meters</u> | Proposed Structural Design Strength (metric tons) |
|---|-------------|--|---|---|--|
| 2-Lane Collector or Local with ADT < 10000 | < 5000 | 6.3 (20 ft) | 8.7 (29 ft) | 11.1 (36 ft) | 6.4 (7 tons) |
| | 5000-10000 | 6.9 (23 ft) | 9.3 (31 ft) | 11.7 (38 ft) | 8.2 (9 tons) |
| 2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial | < 15000 | 6.9 (23 ft) | 9.3 (31 ft) | 11.7 (38 ft) | 8.2 (9 tons) |
| | ≥ 15000 | 7.2 (24 ft) | 9.6 (32 ft) | 12.0 (39 ft) | 8.2 (9 tons) |
| 3-Lane Arterial or Collector | All | 10.2 (33 ft) | 12.6 (41 ft) | 15.0 (49 ft) | 8.2 (9 tons) |

Minimum design speed is 50 kilometers per hour (30 mph).

Subp. 3. **Exception.** Any street that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, which but does not meet current standards, may be ~~resurfaced~~ reconditioned regardless of subparts 1 and 2.

8820.9956 VERTICAL CLEARANCES FOR UNDERPASSES.

Underpass projects must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

| | Rural-Suburban Design, Vertical Clearance (meters) | Urban Design, Vertical Clearance (meters) |
|---------------------------------|---|--|
| Highway under roadway bridge | 5 (16 ft) | 4.4 (14 ft) |
| Highway under railroad bridge | 5 (16 ft) | 4.4 (14 ft) |
| Highway under pedestrian bridge | 5.3 (17 ft) | 4.4 (14 ft) |

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Proposed Rules

| | | |
|--------------------------------|----------------|----------------|
| Highway under sign structure | 5.3 (17 ft) | 4.4 (14 ft) |
| Railroad under roadway bridge* | 6.7 (22 ft) | 6.7 (22 ft) |

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

8820.9961 MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Diagonal parking projects must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

| Parking Angle | Stall Width | Stall Depth | Traffic Aisle Width | Length Along Curb | 1/2 Roadway Width Minimum | Present ADT | Legal Speed Limit |
|---------------|-------------------------------|-------------------------------|----------------------------------|-------------------------------|------------------------------------|----------------|--------------------------------|
| | (meters) meters | (meters) meters | (meters) meters | (meters) meters | (meters) meters | | (km/h) km/h |
| 45 Degrees | 2.7 (10 ft) | 6.0 (20 ft) | 4.0 7.7 (25 ft) | 3.9 (13 ft) | 10.1 10.0 (33 ft) | Less than 3000 | 50 km/h (30 mph) or less |
| 60 Degrees | 2.7 (9 ft) | 6.4 (21 ft) | 5.5 9.1 (30 ft) | 3.2 (10 ft) | 11.9 (39 ft) | Less than 3000 | 50 km/h (30 mph) or less |
| 45 Degrees | 2.7 (9 ft) | 6.0 (20 ft) | 7.7 (25 ft) | 3.9 (13 ft) | 13.7 (45 ft) | 3000 and over | 50 km/h (30 mph) or less |
| 60 Degrees | 2.7 (9 ft) | 6.4 (21 ft) | 9.1 (30 ft) | 3.2 (10 ft) | 15.5 (51 ft) | 3000 and over | 50 km/h (30 mph) or less |

At least two through lanes must be provided.

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 0.6-meter (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.

8820.9981 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated natural forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

[NOTE: THE FOLLOWING TABLE DOES NOT SHOW AMENDED, EXISTING LANGUAGE AS STRICKEN (IT HAS BEEN DELETED). NEW LANGUAGE IS NOT UNDERSCORED.]

| Sur- face Type | Design Speed | Lane Width | Shoul- der Width | In- slope | Recov- ery Area | Design Strength | Bridge to Remain |
|----------------------|-------------------|----------------|------------------------|--------------|-----------------------|--------------------|------------------------|
| | km/h | meters | meters | rise: run | meters | metric tons | meters |
| | | | (a) | (b) | (c) | | (d) |
| Aggre- gate | 50 (30 mph) | 3.3 (11 ft) | 0.3 (1 ft) | 1:3 | 1 (3 ft) | | 6.6 (22 ft) |
| Paved | 50 (30 mph) | 3.3 (11 ft) | 0.5 (1.5 ft) | 1:3 | 3 (10 ft) | 8.2 (9 tons) | 6.6 (22 ft) |

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a 1.2_ meter (four-foot) paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within recovery area only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour (40 mph), and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge ~~does not qualify for federal aid bridge funds~~ is not deficient structurally or hydraulically.

MS 18 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths plus 1.2 meters (four feet).

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

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Proposed Rules

[NOTE: THE FOLLOWING TABLE DOES NOT SHOW AMENDED, EXISTING LANGUAGE AS STRICKEN (IT HAS BEEN DELETED). NEW LANGUAGE IS NOT UNDERSCORED.]

| Sur- face Type | Design Speed | Lane Width | Shoul- der Width | In- slope | Recov- ery Area | Design Strength | Bridge to Remain |
|----------------------|-------------------|----------------|------------------------|--------------|-----------------------|--------------------|------------------------|
| | km/h | meters | meters | rise: run | meters | metric tons | meters |
| | | | (a) | (b) | (c) | | (d) |
| Aggre- gate | 50 (30 mph) | 3.3 (11 ft) | 0.6 (2 ft) | 1:3 | 3 (10 ft) | | 7.2 (24 ft) |
| Paved | 60 (40 mph) | 3.6 (12 ft) | 1.2 (4 ft) | 1:4 | 3 (10 ft) | 8.2 (9 tons) | 7.2 (24 ft) |

(a) The designer will provide a 1.8-meter (six-foot) paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour (40 mph), and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

MS 18 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than nine meters (30 feet).

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

Proposed Rules

[NOTE: THE FOLLOWING TABLE DOES NOT SHOW AMENDED, EXISTING LANGUAGE AS STRICKEN (IT HAS BEEN DELETED). NEW LANGUAGE IS NOT UNDERSCORED.]

| Sur- face Type | Design Speed | Lane Width | Shoul- der Width | In- slope | Recov- ery Area | Design Strength | Bridge to Remain |
|----------------------|-------------------|----------------|------------------------|--------------|-----------------------|----------------------|------------------------|
| | km/h | meters | meters | rise: run | meters | metric tons | meters |
| | | | (a) | (b) | (c) | | (d) |
| Aggre- gate | 50 (30 mph) | 3.6 (12 ft) | 0.9 (3 ft) | 1:4 | 3 (10 ft) | | 7.2 (24 ft) |
| Paved (e) | 50 (30 mph) | 3.6 (12 ft) | 1.2 (4 ft) | 1:4 | 3 (10 ft) | 8.2 (9 tons) | 7.2 (24 ft) |
| Paved | 60 (40 mph) | 3.6 (12 ft) | 1.2 (4 ft) | 1:4 | 5 (16 ft) | 8.2 t (9 tons) | 7.2 (24 ft) |

(a) The designer will provide a 1.8-meter (six-foot) paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 60 kilometers per hour (40 mph), and either the ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with the provisions of chapter 8818.

(d) Inventory design rating M 13.5. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

MS 22.5 loading or LRFD design is required for new bridges. MS 16 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or rehabilitated bridges is the sum of the lane and shoulder widths, but may not be less than 9.6 meters (31.5 feet).

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

8820.9986 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIG-

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Proposed Rules

NATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; ~~RESURFACING RECONDITIONING PROJECTS.~~

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum metric dimensions indicated in the following design chart. The rounded English equivalent is provided for informational purposes only.

TYPE I, II, OR III ROUTE

| Proposed Design Strength | Pavement Width | Shoulder-to-Shoulder Width |
|--------------------------|----------------------|----------------------------|
| (metric tons) | (meters) | (meters) |
| 6.4 (<u>7 tons</u>) | 6.6 (<u>22 ft</u>) | 7.8 (<u>26 ft</u>) |

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. M 13.5 loading is required.

8820.9990 ROUTE MARKER.

8820.9990 T=1: 20 picas - Insert National Preservation Route marker here

610 mm x 610 mm (2 ft by 2 ft)

Green legend; white reflectorized background

8820.9995 MINIMUM BICYCLE PATH STANDARDS.

Minimum Bicycle Path Standards For Off-Road Design ~~(a)~~, the following shall apply:

| | |
|-----------------------------------|--|
| Minimum Surfacing Width (two-way) | 2.5 <u>2.4</u> meters (<u>8 ft</u>) |
| Shoulder/Clear Zone | (b) 0.5 meters (<u>2 ft</u>) |
| Inslope | (c) 1:2 (rise:run) |
| Design Speed | 30 km/h (<u>20 mph</u>) |
| Vertical Clearance | (d) 3 meters (<u>10 ft</u>) |

(a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and Design Guidelines ~~apply~~ are recommended for design purposes.

(b) Three meters (ten feet) is ~~required~~ desired for a combined bicycle/pedestrian ~~paths~~ path. 1.5 meters (five feet) is required for a one-way ~~paths~~ bicycle path.

(c) The shoulder/clear zone should be carried across bridges and through underpasses 3.6 meters (12 feet) or less in clear width. Lead-in guardrail should be provided when shoulders are not carried over bridges. Minimum bridge or underpass width is three meters.

(d) Use a ~~50-kilometer~~ 50 kilometers per hour (30 mph) design speed for grades longer than 150 meters (500 feet) and greater than four percent, from the uphill point where the grade equals four percent to 150 meters (500 feet) beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

RENUMBERING. Minnesota Rules, part 8820.0100, subpart 2d, is renumbered as subpart 2f, and subpart 15b is renumbered as subpart 15d.

REPEALER. Minnesota Rules, parts 8820.9926, subpart 2; and 8820.9931, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Crime Victims Reparations Board

Adopted Permanent Rules Relating to Crime Victims Reparations

The rules proposed and published at *State Register*, Volume 22, Number 46, pages 2008-2012, May 18, 1998 (22 SR 2008), are adopted with the following modifications:

7505.2700 TREATMENT PLANS.

Subpart 1. **Applicability.** The board, ~~in order~~ when necessary to evaluate the reasonableness of treatment provided claimants under parts 7505.2700, subpart 5, and 7505.2800, may require suppliers of mental health, physical therapy, chiropractic, medical, and home care services to submit treatment plans before consideration of their charges as a part of a reparations claim.

Department of Health and Department of Agriculture

Adopted Permanent Rules Relating to the Minnesota Food Code

The rules proposed and published at *State Register*, Volume 22, Number 38, pages 1628-1706, March 23, 1998 (22 SR 1628), are adopted with the following modifications:

2935.4100 FOOD HANDLING PRACTICES.

Food service shall be in accordance with the Minnesota Department of Health rules, ~~parts 4625.2500 to 4625.4901~~ chapter 4626. (Mandatory)

Food catered to a facility shall be obtained from a source licensed by the Minnesota Department of Health or other authorized agency and transported, handled, and served in a manner consistent with chapter 4626. (Mandatory)

4626.0020 1-201.10 STATEMENT OF APPLICATION AND LISTING OF TERMS.

Subp. 11a. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, or by artificial light.

Subp. 35. **Food establishment.**

C. Food establishment does not include:

(4) a private home or other location that receives catered or home-delivered food when only invited guests are present; or

(5) a food service limited to patient or resident care within a hospital, nursing home, ~~or~~ boarding care home, or supervised living facility licensed under *Minnesota Statutes*, sections 144.50 to 144.56, except for those operations subject to the rules and laws administered by the Minnesota Department of Agriculture; ~~or~~

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Adopted Rules

(6) ~~a residential facility that is federally certified as an intermediate care facility for persons with mental retardation serving 18 or fewer persons.~~

Subp. 52a. **Noncritical item.**

A. “Noncritical item” means a part of the Code that, if in noncompliance, is less likely than other violations to contribute to food contamination, illness, or environmental degradation.

B. A part that is denoted in the Code without an asterisk (*) after the headnote is a noncritical item.

C. A part designated as a critical item may have a provision within the part designated as a noncritical item. This is indicated by a superscripted letter ^N following the provision.

Subp. 68. **Reduced oxygen packaging.**

C. Reduced oxygen packaging does not include packaging that allows oxygen transmission of at least 7,200 cubic centimeters per square meter ~~(480 cubic centimeters per 100 square inches)~~ over a 24-hour period.

Subp. 78a. **Shellfish.** “Shellfish” means all edible species of oysters, clams, and mussels either shucked, in the shell, fresh or fresh frozen, whole or in part.

Subp. 85. **Special event food stand ~~or special event food stand-limited~~.** “Special event food stand” or “special event food stand-limited” have has the meanings meaning given in Minnesota Statutes, section 157.15, subdivisions subdivision 14 and 15.

Subp. 90. **Temporary food establishment.** “Temporary food establishment” means a food establishment that is a mobile food unit, seasonal permanent food stand, or seasonal temporary food stand; ~~seasonal permanent food stand, or mobile food unit~~, as those terms are defined in Minnesota Statutes, section 157.15, subdivisions 9, 12a, and 13.

Subp. 97. *. “*” designates a critical item.

Subp. 98. ^N. “^N” designates a noncritical item within a part that is designated as a critical item.

4626.0030 2-102.11 DEMONSTRATION.*

Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the hazard analysis critical control point principles when a HACCP plan is required under part 4626.1730, and the requirements of the Code. The areas of knowledge are:

F. stating the required food temperatures and times for safe cooking of potentially hazardous food ~~including meat~~;

4626.0045 2-201.12 EXCLUSIONS AND RESTRICTIONS.*

The person in charge shall:

B. restrict a food employee from working with exposed food, clean equipment, and clean utensils in a food establishment if the food employee has an enteric bacterial pathogen capable of being transmitted by food, including *Salmonella* spp., *Shigella* spp., or *Escherichia coli* 0157:H7, until the Department of Health ~~has~~ and the licensing regulatory authority have evaluated the potential for foodborne disease transmission; and

4626.0050 2-201.13 REMOVAL OF RESTRICTION.

The restriction specified in part 4626.0045, item C, shall remain in effect for a food employee until the Department of Health ~~completes~~ and the licensing regulatory authority complete an investigation of the confirmed disease outbreak and determines that there is no longer a risk of foodborne disease transmission.

4626.0060 2-201.15 REPORTING BY PERSON IN CHARGE.*

C. The person in charge shall notify the regulatory authority of any complaint from a ~~patron~~ customer having or suspected of having:

4626.0070 2-301.12 CLEANING PROCEDURE.*

A food employee shall clean the hands and exposed portions of the arms with a cleaning compound in a handwashing lavatory in the food preparation area that is equipped as specified in part 4626.1050, item A, by vigorously rubbing together the surfaces of the lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water. An employee shall pay particular attention to the areas underneath the fingernails and between the fingers by scrubbing thoroughly with a nail brush.

4626.0075 2-301.14 WHEN TO WASH.*

A food employee shall clean the hands and exposed portions of the arms as specified in part 4626.0070 at the following times:

B. after using the toilet, at a handwash ~~sink~~ lavatory, in the toilet room;

4626.0085 2-301.16 HAND SANITIZERS.

A. A hand sanitizer or hand sanitizing solution shall be used:

(2) if consisting of or made up of a chemical formulation that is not generally recognized as safe under *Code of Federal Regulations*, title 21, parts 182 and 184, or that is not listed for use as a hand sanitizer under *Code of Federal Regulations*, title 21, section 178.1010, only if:

(a) followed by thorough hand rinsing in clean water or the use of gloves; or

(b) used where there is no direct contact with food by the hands; ~~or~~

(c) ~~applied only to hands that are cleaned as specified in part 4626.0070.~~

4626.0120 2-403.11 ANIMAL HANDLING PROHIBITION.*

B. A food employee with a support animal may care for the support animal if the employee washes ~~the~~ their hands as specified in part 4626.0070 before working with exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

4626.0130 3-201.11 COMPLIANCE WITH FOOD LAW.*

D. Fish, other than molluscan shellfish, that are intended for consumption in raw form and allowed as specified in part 4626.0340, item ~~B~~ C, subitem (1), shall be obtained from a supplier that freezes the fish as specified in part 4626.0350; or shall be frozen on the premises as specified in part 4626.0350 and records shall be retained as specified in part 4626.0355.

4626.0155 3-201.16 WILD MUSHROOMS.*

A. Except as specified in item B, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert whose expertise has been verified and approved by the regulatory authority through the successful completion of a wild mushroom identification course provided by either an accredited college or university or a mycological society. An individual who wants to be approved as a wild mushroom identification expert shall have on file with the regulatory authority a letter from an accredited college or university certifying successful completion of a wild mushroom identification course from an accredited college or university.

4626.0160 3-201.17 GAME ANIMALS.*

C. Wild game animals lawfully taken and donated according to part 6214.0100 and *Minnesota Statutes*, section 97A.505, and donated to a charitable organization registered under *Minnesota Statutes*, chapter 309, are approved if:

(3) evisceration was accomplished within two hours after harvest; ~~and~~

(4) cooked to at least 74 degrees C (165 degrees F); and

(5) a written sanitation standard operating procedure that includes the entire process used to eliminate the possibility of cross-contamination from wild game processing to retail products is implemented and available for inspection.

4626.0205 3-202.19 ~~SHELLSTOCK~~ SHELLFISH IDENTIFICATION.*

4626.0215 3-203.11 MOLLUSCAN SHELLFISH; ORIGINAL CONTAINER.

C. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(1) the labeling information for the shellfish on display specified in part ~~4626.0205~~ 4626.0200 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

4626.0340 3-401.11 RAW ANIMAL FOODS.*

A. Except as specified in items B and C, raw animal foods, including eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

(2) 68 degrees C (155 degrees F) or above for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for pork; ratites; injected meats; the following if they are comminuted: fish, meat, and game animals commercially raised for food as specified in part 4626.0160; and raw eggs that are not prepared as specified in subitem (1), unit (a):

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Adopted Rules

Minimum

| Temperature °C (°F) | Time |
|------------------------|-----------|
| 63 (145) | 3 minutes |
| 66 (150) | 1 minute |

(3) 74 degrees C (165 degrees F) or above for 15 seconds for poultry; wild game animals specified in part 4626.0160; stuffed fish; stuffed meat; stuffed pasta; stuffed poultry; stuffed ratites; or stuffing containing fish, meat, poultry, or ratites.

B. Whole beef roasts and corned beef roasts shall be cooked:

(1) in an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

| Oven Type | Oven Temperature Based on Roast Weight | |
|-------------------------------|---|---|
| | Less than 4.5 kg (10 lbs) | 4.5 kg (10 lbs) or more |
| Still dry Convection | 177°C (350°F) or more | 121°C (250°F) or more |
| | 163°C (325°F) or more | 163°C (325°F) or more 121°C (250°F) or more |
| High humidity ¹ | 121°C (250°F) or less | 121°C (250°F) or less |

¹Relative humidity greater than 90 percent for at least one hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100 percent humidity.

(2) as specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

| Temperature °C (°F) | Time ¹ in Minutes |
|------------------------|------------------------------------|
| 54 (130) | 121 |
| 56 (132) | 77 |
| 57 (134) | 47 |
| 58 (136) | 32 |
| 59 (138) | 19 |
| 60 (140) | 12 |
| 61 (142) | 8 |
| 62 (144) | 5 |
| 63 (145) | 3 |

¹Holding time may include postoven heat rise.

C. Items A and B do not apply if:

(1) the food is a raw animal food, including raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, steak tartare, or a partially cooked food including lightly cooked fish, rare meat, and soft cooked eggs that is served or offered for sale in a ready-to-eat form, ~~and the consumer is informed that to ensure its safety, the food should be cooked as specified in item A~~ when the food is prepared in that fashion at the request of the consumer; or

4626.0410 3-501.19 TIME AS PUBLIC HEALTH CONTROL.*

Subpart 1. **Requirements.** Time only, rather than time in conjunction with temperature, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, if:

B. ~~when the food is served or discarded within four hours from the point in time when the food that is provided for service and consumption is removed from temperature control, the food:~~

(1) ~~is served or discarded within four hours; and~~

(2) ~~is not removed from time control and returned for use at a later time;~~

Subp. 2. **Notification.** The food establishment must submit written notification to the regulatory authority of its intention to use the procedures provided under this part prior to implementing the provisions of this part.

4626.0415 3-502.11 SPECIALIZED PROCESSING HACCP REQUIREMENTS.*

A HACCP plan shall be prepared by a food establishment before:

A. smoking or curing food, except for smoking done for the purpose of imparting flavor only and not as a part of the cooking process;

B. using food additives or adding components, including vinegar, to:

(2) render a food so that it is not potentially hazardous; or

C. using a reduced oxygen method of packaging food; ~~or~~

~~D. custom processing field-harvested wild game that is for personal use as food and not for sale or service in a food establishment.~~

4626.0505 4-201.11 EQUIPMENT AND UTENSILS.

H. If a NSF International, NAMA, or BISSC standard is not available for a piece of equipment used in a food establishment, the equipment shall be designed for commercial use, smooth, easily cleanable, and readily accessible for cleaning and shall have contact surfaces that are not toxic.

4626.1270 5-501.19 STORAGE AREAS, REDEEMING MACHINES, EQUIPMENT, AND RECEPTACLES; LOCATION.

A. An area designated for refuse, recyclables, returnables, and, except as specified in item B, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a nuisance or a public health hazard or nuisance is not created.

4626.1440 6-301.11 HANDWASHING CLEANSER AND NAILBRUSH; AVAILABILITY.

Each handwashing lavatory or group of two adjacent lavatories shall have available:

B. a nailbrush at the handwashing ~~sink~~ lavatory used by ~~food~~ employees.

4626.1605 7-202.11 RESTRICTION.*

A. Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, including those for cleaning and sanitizing equipment and utensils and controlling insects and rodents, shall be allowed in a food establishment.*

4626.1660 7-207.11 RESTRICTION AND STORAGE.*

B. Medicine that ~~is in a food establishment for an employee's use~~ requires refrigeration or storage and belongs to employees, individuals in a day care setting, or residents of a board and lodging facility shall be labeled as specified in part 4626.1590 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

4626.1720 8-201.11 REVIEW OF PLANS.

B. Plans, specifications, ~~a license an~~ an application form, and the fee specified in part 1547.0110, subpart 2, and *Minnesota Statutes*, chapter 31 or 157, shall be submitted to the regulatory authority at least 30 days before beginning construction, extensive remodeling, or conversion of a food establishment.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

4626.1730 8-201.13 WHEN A HACCP PLAN IS REQUIRED.

Subp. 2. Timing of HACCP plan requirements.

A. As of ~~July 1, 1999~~ January 26, 2000, food establishments engaged in activities requiring a HACCP plan under subpart 1 must have a HACCP plan available on-site for review and verification by the regulatory authority.

4626.1795 8-404.11 EMERGENCY REPORTING.

A licensee shall notify the regulatory authority ~~within 24 hours~~ immediately if an imminent health hazard may exist because of a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, or other emergency circumstance that may endanger public health.

4626.1825 EMERGENCY FIRST AID FOR CHOKING.

A food establishment where food is consumed on the premises, except a temporary food establishment, food cart, retail food vehicle, portable structure, and special event food stand, shall post a chart illustrating the use of an emergency first aid procedure approved by the regulatory authority to relieve a ~~patron~~ customer with a restricted airway. The illustration shall be posted in the food preparation area where all employees may easily see it.

4626.1830 APPLICABILITY.

The Code applies to food carts, mass gatherings, retail food vehicles, portable structures or carts, special event food stands, ~~special event food stands limited~~, and temporary food establishments as qualified in parts 4626.1835 to 4626.1870.

4626.1835 GENERAL EXEMPTIONS.

A food cart, retail food vehicle, portable structure or cart, special event food stand, ~~special event food stand limited~~, or temporary food establishment is exempt from compliance with:

4626.1845 ADDITIONAL REQUIREMENTS.

A food cart, food establishment at a mass gathering, retail food vehicle, portable structure or cart, special event food stand, ~~special event food stand limited~~, or temporary food establishment shall comply with this part.

4626.1855 SPECIAL EVENT FOOD STANDS AND ~~SPECIAL EVENT FOOD STANDS LIMITED~~.

This part applies to special event food stands ~~and special event food stands limited~~.

A. In conjunction with the notice of opening required in part 4626.1750, the applicant for a license to operate a special event food stand shall provide to the ~~commissioner of health~~ regulatory authority information on the:

L. For warewashing multiuse utensils ~~and warewashing~~, a washing facility shall be available consisting of at least three containers of sufficient size to immerse utensils.

M. Space shall be provided for air drying ~~wares~~ kitchenware, tableware, and utensils.

Department of Transportation

Adopted Permanent Rules Relating to Railroad Grade Crossings

The rules proposed at *State Register*, Volume 22, Number 33, pages 1399-1401, February 17, 1998 (22 SR 1399), are adopted with the following modifications:

8830.0100 DEFINITIONS; INCORPORATIONS BY REFERENCE.

Subp. 9. ~~AAR AREMA signal manual; incorporation.~~ "AAR AREMA signal manual" means the ~~Association of American Railroads, Communications and Signal Division American Railway Engineering and Maintenance of Way Association, "Signal Manual of Recommended Practices," 1990 edition, published by the Association of American Railroads, 50 F Street N.W., Washington, D.C. 20001~~ American Railway Engineering and Maintenance of Way Association, 8201 Corporate Drive, Suite 1125, Landover, MD 20785. This manual and future revisions of this manual are incorporated by reference. This manual is not subject to frequent change and is available to the public through the Minitex interlibrary loan system.

Subp. 16. ~~AREA AREMA manual; incorporation.~~ "AREA AREMA manual" means the "Manual for Railway Engineering," which is updated annually and published by the American Railway Engineering and Maintenance of Way Association, ~~50 F Street N.W., Washington, D.C. 20001~~ 8201 Corporate Drive, Suite 1125, Landover, MD 20785. This manual and future revisions of this manual are incorporated by reference. This manual is available to the public through the Minitex interlibrary loan system.

Subp. 16a. [See renumbering instruction.]

8830.0220 NO RETROACTIVE EFFECT; EXCEPTION.

Subp. 2. **Changes required by commissioner.** Notwithstanding subpart 1, the commissioner may require changes or improvements at specific locations so as to conform to the requirements of parts 8830.0300 to 8830.3400 as the commissioner considers necessary to protect the safety of the public at grade crossings and private crossings.

8830.0310 PRIVATE CROSSING STANDARDS.

Subp. 4. **Warning signs and devices.** Private crossings consisting of residential crossings, industrial crossings, and farm crossings providing access to a farm field from a public roadway must be signed on each side of the crossing with a 24-inch (600 millimeter) or larger R1-1 stop sign and a rectangular sign, at least 300 square inches (200,000 square millimeters) in size, with the legend "Private Crossing" and the crossbuck symbol installed below the stop sign. If required by part 8830.0320, active warning devices must also be installed at private crossings ~~in accordance with part 8830.0320~~.

8830.0320 VISIBILITY STANDARDS.

Subp. 3. **Visibility standards.** Possible visibility obstructions include, but are not limited to, trees, vegetation, snow, crops, structures, utility poles, parked vehicles, parked rail equipment, signs other than those needed for traffic control, stockpiles of materials, and angle of crossing. Visibility obstructions must be removed according to the following:

A. For a grade crossing or private crossing with active warning devices and gates, the road authority or private crossing owner shall clear visibility obstructions so that all railroad advance warning signs are clearly visible from the roadway and the active warning devices are visible to a driver that is approaching the crossing ~~at the posted speed limit and~~ at a distance from the crossing in which the vehicle can safely be brought to a stop before reaching the crossing. The rail carrier shall not park rail equipment on the portion of the track that would activate the active warning devices.

B. For a grade crossing or private crossing with only active warning devices or stop signs, the road authority or private crossing owner shall clear visibility obstructions as described in item A. The rail carrier and road authority or private crossing owner shall clear their respective rights-of-way within the stopped vehicle sight triangle as determined by the AASHTO design manual for a train traveling at the highest allowable speed at the crossing. The rail carrier shall not park rail equipment on the portion of the track that would activate the active warning devices.

Subp. 4. **Alternatives.** If visibility standards cannot be achieved for a crossing with its existing warning system, a different warning system may be substituted if the visibility standards for the crossing can be met in such a way as to preserve safety. For example, if the visibility standards for a crossing with crossbucks cannot be achieved, adequate visibility may be achieved with an addition of a stop sign, an active warning device, or an active warning device with a gate. Other alternatives include, but are not limited to, lowering the vehicle speed, the train speed, or both; using a ~~crossing guard~~ flagger; or closing the crossing and redirecting the traffic to another crossing.

8830.0500 CROSSBUCK SIGN.

Subp. 1a. **Reflectorization.** By January 1, 1997, crossbucks at nonsignalized grade crossings must be double-faced, with both sides having a reflectorized white background with black lettering, to display the message "RAILROAD CROSSING" to both approaches to the grade crossing. A reflectorized strip of at least two inches (50 millimeters) by 48 inches (1,200 millimeters) will be placed on aluminum sheeting or an equivalent material and mounted on the back of the crossbuck posts, one foot (0.3 meter) above the top of the track and in the center of the post.

Crossbucks at signalized grade crossings must be either:

B. double-faced, with both sides having a reflectorized white background with black lettering, to display the message "RAILROAD CROSSING" to both approaches to the grade crossing.

After a crossbuck reflectorized with wide-angle, prismatic, retroreflective sheeting or with a material that is equivalent is installed, future replacement of that crossbuck by the rail carrier must be to at least the same level of reflectorization.

8830.0600 ADVANCE-WARNING SIGNS.

Subp. 3. **Reflectorization.** By January 1, 1997, all existing railroad advance-warning signs will be replaced with advance-warning signs that are reflectorized with wide-angle, prismatic, retroreflective sheeting or its equivalent.

After a railroad advance-warning sign reflectorized with wide-angle, prismatic, retroreflective sheeting or its equivalent is installed, future replacement of that railroad advance-warning sign by the road authority must be to at least the same level of reflectorization.

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Adopted Rules

8830.0700 SUPPLEMENTARY ADVANCE-WARNING SIGNS.

Subp. 1a. **Reflectorization.** By January 1, 1997, all existing supplementary railroad advance-warning signs will be replaced with supplementary advance-warning signs that are reflectorized with wide-angle, prismatic, retroreflective sheeting or with a material that is equivalent.

After a supplementary railroad advance-warning sign reflectorized with wide-angle, prismatic, retroreflective sheeting or with an equivalent material is installed, future replacement of that supplementary railroad advance-warning sign by the road authority must be to at least the same level of reflectorization.

Subp. 3. **Intended functions of signs.** Supplementary advance-warning signs alert motorists as follows:

B. The ~~"blind xing"~~ **blind-crossing** sign, numbered W10-X2 and shown in part 8830.9931, subpart 2, warns of sight obstructions at the grade crossing area and calls for added vigilance on the part of the motorist.

C. The ~~"look for trains"~~ sign, numbered W10-X3 and shown in part 8830.9931, subpart 3, may follow the ~~"blind xing"~~ **blind-crossing** sign or other advance-warning sign for additional emphasis by providing a reminder that it is the motorist's obligation to ascertain whether or not it is safe to proceed over the grade crossing.

D. ~~Appropriate~~ Advisory speed plates, numbered W13-1, may be mounted beneath a railroad advance-warning sign to indicate the safe vehicle-approach speed to the grade crossing.

8830.0800 STOP SIGNS.

Subp. 5. **Reflectorization.** By January 1, 1997, existing stop signs and "stop ahead" signs at grade crossings will be replaced with stop signs that are reflectorized with wide-angle, prismatic, retroreflective sheeting or with a material that is equivalent.

After a stop sign or "stop ahead" sign reflectorized with wide-angle, prismatic, retroreflective sheeting or its equivalent is installed, future replacement of that stop sign by the rail carrier or "stop ahead" sign by the road authority must be to at least the same level of reflectorization.

8830.1000 ACTIVE WARNING DEVICES; STANDARDS, USE, ALTERATION, REMOVAL.

Subpart 1. **When active warning devices are needed.** Active warning devices are used to advise motorists of the approach or presence of trains. At a grade crossing where the commissioner concludes that active warning devices are needed ~~beyond in addition to~~ that provided by signs, the commissioner shall determine which devices are appropriate for the grade crossing. In determining which devices are appropriate for the grade crossing, the commissioner shall consider the type of roadway, volume of trains and vehicles per day, and visibility standards. These active warning devices must comply with part 8830.9901, subparts 3, 4, and 5, and be approved under part 8830.2125.

Subp. 1a. **Standards.** Except when modified and supplemented by parts 8830.1000 to 8830.3400, future modifications, replacements, and installations of active warning devices at grade crossings made after the effective date of these amendments to this part must be made in compliance with the applicable parts of both the ~~AAR~~ AREMA signal manual and the MMUTCD.

8830.1300 CONTROLS.

Subpart 1. **Design compliance.** Warning device controls, including electric, electronic, and mechanical methods, must comply with the ~~AAR~~ AREMA signal manual, insofar as it applies, and must be so designed that if a part fails, the device will provide the warning normally provided when a train approaches the grade crossing.

Subp. 4. **Track circuits.** Tracks over grade crossings with active warning devices must be provided with track circuits, unless the commissioner specifically exempts the crossing in question based on train operation characteristics.

Where train speeds on a given track vary by more than 20 miles per hour (30 kilometers per hour) under normal operation and volume of railroad and roadway traffic warrants, special devices or circuits must be installed to provide consistent warning time for train movements. Special control features must be used to eliminate the effects of station stops and switching operations within approach-control circuits. Wraparound or equivalent circuits may be required with stand-alone, motion-sensitive control equipment.

8830.1400 FLASHING LIGHT UNITS.

Subpart 1. **Standard.** Flashing light units consist of two horizontally mounted red lights flashing alternately at predetermined levels. Design criteria for flashing light units must comply with the ~~AAR~~ AREMA signal manual.

Subp. 3. **Size and design.** Lamp units must be 12 inches (300 millimeters) in diameter, must be hooded to shade them from the sun but not shielded at the sides to impair close-in indication, and must have ~~dark nonreflecting~~ black backgrounds 20 to 24 inches (500 to 600 millimeters) in diameter. The light units must flash alternately. The number of flashes per minute for an incandescent-type lamp must comply with the MMUTCD. Lamps must be illuminated approximately the same length of time.

8830.1500 BELLS.

Subp. 3. **Standard.** When installing bells, the rail carrier shall comply with the ~~AAR~~ AREMA signal manual.

8830.1600 PLACEMENT OF ACTIVE WARNING DEVICES.

Subp. 4. **Controller cabinets.** At locations where the roadway speed is 40 miles per hour (60 kilometers per hour) or greater, controller cabinets must be located a minimum of 30 feet (nine meters) clear of the edge of the nearest traffic lane unless precluded by physical features such as steep side slopes. At locations where the roadway speed is less than 40 miles per hour (60 kilometers per hour), controller cabinets must be located in compliance with the MMUTCD.

8830.2100 TRAFFIC SIGNALS NEAR GRADE CROSSINGS.

Subpart 1. **Preemption by active warning device controls.** When a grade crossing with an active warning device is within or near a roadway intersection controlled by a traffic signal, the control of the traffic signal must be preempted by the control of the active warning device upon the approach of trains to avoid conflicting aspects of the traffic signal and the active warning device. This preemption feature must establish and maintain the preempted condition while the active warning device is operating. The interconnection must be made to the traffic signals within 200 feet (~~60~~ 61 meters) of the crossing.

At grade crossings where train movements are regulated or limited to the extent that active warning devices are not required, preemption of the adjacent signalized roadway intersections may still be desirable to permit nonconflicting roadway traffic to proceed during the time the grade crossing is blocked by a train. The responsible road authority shall determine which traffic signals will be preempted.

Subp. 2. **Preemption sequence.** When the preemption sequence begins, it must at once bring into effect a traffic signal display that will permit all vehicles to clear the tracks before the train reaches the ~~roadway intersection~~ grade crossing.

When the green light is preempted by train operation, a yellow change interval must be inserted in the traffic signal sequence for safety and consistency. The traffic signal must indicate a green light in order to clear traffic off the tracks and give a red light to stop traffic approaching the tracks. After the traffic clears the tracks, the traffic signal may be operated to permit vehicle movements that do not cross the tracks, but must prohibit movements over the tracks.

When the train clears the grade crossing, the traffic signal must return to its designated phase.

8830.2200 MAINTENANCE AND OPERATION OF ACTIVE WARNING DEVICES; RESPONSIBILITY.

Maintenance and operation of active warning devices at grade crossings are the responsibilities of the operating rail carrier or owner of the tracks, and are to be performed in accordance with the rail carrier's written maintenance, inspection, and testing procedures that are filed and updated with the FRA under *Code of Federal Regulations*, title 49, ~~section 234.11~~ sections 234.1 to 234.273, as amended.

8830.2300 PLAN APPROVAL FOR ACTIVE WARNING DEVICES.

Subpart 1. **Information required.** Modifications, replacements, and installations of active warning devices at grade crossings must be made in accordance with plans approved by the commissioner.

The following information must be provided by the rail carrier to the commissioner:

N. definitions of special symbols or nomenclature used only by the rail carrier and not found in the ~~AAR~~ AREMA signal manual, publications of manufacturers of active warning device equipment, or other generally recognized sources of information in the rail industry;

8830.2500 FLAGGER.

A flagger is a rail carrier employee other than a train crew member who, as a part of normal duties, could be expected to direct roadway traffic. At a grade crossing where a flagger is temporarily stationed by the rail carrier to direct roadway traffic, or where a flagger is temporarily stationed as provided for in the operating license, shown in part 8830.9991, or at a grade crossing designated by the commissioner as a flagged crossing where all train movements over the grade crossing are to be preceded by a member of the train crew, items A and B apply.

8830.2650 MAINTAINING GRADE CROSSING SURFACES.

The responsibility for maintaining grade crossing surfaces is governed by *Minnesota Statutes*, section 219.071.

A rail carrier shall not close a roadway for 15 minutes or longer to perform maintenance at a grade crossing without giving advance notice to the road authority so that the road authority can notify the public of the closure and, where possible, identify alternate routes.

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Adopted Rules

8830.2700 ESTABLISHING, RELOCATING, AND CHANGING GRADE CROSSINGS.

Subp. 5. **Application content requirements.** Applications must be accompanied by relevant documents, data, and material that demonstrate the need for the grade crossing, how safety concerns are addressed, and how the grade crossing affects the public interest. The filing must contain, at a minimum, the following information:

C. maps showing:

(3) distances to nearest roadway-roadway intersection in both directions, and type of ~~warning devices~~ traffic signs and signals at each intersection; and

(4) distances to nearest railroad-roadway intersection in both directions, and type of warning devices and signs at each intersection;

I. suggested signs or active warning devices; and

8830.3100 RAIL CARRIER ACCIDENT REPORTS.

Subp. 2. **Copies sent to commissioner.** Except for items A and B, rail carriers shall provide the commissioner with copies of accident reports in the form, style, and schedule required by the FRA in *Code of Federal Regulations*, title 49, part 225, as amended.

B. Grade crossing accidents that involve a fatality must be reported within 24 hours of the accident. The ~~report~~ notification must include location, time, and type of accident.

8830.9951 CLEARANCES FOR GRADE SEPARATION STRUCTURES.

RENUMBERING INSTRUCTION. In the next edition or supplement of *Minnesota Rules*, the revisor of statutes shall renumber each part or subpart listed in column A with the part or subpart number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

| Column A | Column B |
|--------------------------|----------------------------|
| 8830.0100, subp 4 | 8830.0100, subp 26 |
| 8830.0100, subp 5 | 8830.0100, subp 27 |
| 8830.0100, subp 8 | 8830.0100, subp 67 |
| <u>8830.0100, subp 9</u> | <u>8830.0100, subp 16a</u> |
| 8830.1300, subp 1 | 8830.1200, subp 2 |
| 8830.1300, subp 2 | 8830.1200, subp 3 |
| 8830.1300, subp 3 | 8830.1200, subp 4 |
| 8830.1300, subp 4 | 8830.1200, subp 5 |
| 8830.1800 | 8830.1525, subps 1 and 2 |
| 8830.1900 | 8830.1525, subp 3 |
| 8830.2000 | 8830.1550 |
| 8830.2100 | 8830.1650 |
| 8830.2200 | 8830.2425 |
| 8830.2300 | 8830.2125 |
| 8830.2400 | 8830.2150 |
| 8830.2800 | 8910.1000 |
| 8830.3600 | 8910.2000 |
| 8830.3700 | 8910.2100 |
| 8830.3800 | 8910.3000 |
| 8830.3900 | 8910.3100 |
| 8830.5100, subp 5 | 8830.0100, subp 19 |
| 8830.5100, subp 6 | 8830.0100, subp 20 |
| 8830.5100, subp 7 | 8830.0100, subp 21 |
| 8830.5100, subp 15 | 8830.0100, subp 48 |
| 8830.5100, subp 17 | 8830.0100, subp 50 |
| 8830.5600, subp 2 | 8830.5650, subp 1 |
| 8830.5600, subp 3 | 8830.5650, subp 3 |
| 8830.5700, subp 2 | 8830.5690 |
| 8830.5800, subp 2 | 8830.0100, subp 13 |
| 8830.5800, subp 8 | 8830.0100, subp 22 |
| 8830.5800, subp 10 | 8830.0100, subp 42 |
| 8830.5800, subp 15 | 8830.0100, subp 69 |
| 8830.6100, subp 4 | 8830.0100, subp 17 |
| 8830.6100, subp 11 | 8830.0100, subp 35 |

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Deer Hunting Regulations; Taking Bobcat, Fisher, and Pine Marten

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.111, 97B.301, 97B.305, 97B.311, 97B.605, 97B.625, and 97B.635.

Dated: 19 August 1998

Rodney W. Sando
Commissioner of Natural Resources

By Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

6232.0700 LEGAL DEER BY ARCHERY.

Antlerless deer and legal bucks may be taken by archery, except that in 1998, archery hunters may not take antlerless deer in those permit areas that have no antlerless permit quota or in those permit areas that have a quota of youth antlerless permits for firearms deer hunters under part 6232.1800, subparts 4, 5, and 9.

6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.

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

Subp. 2. **Areas.** Special bow and arrow permits are valid in areas designated by the commissioner and published in the annual hunting regulations booklet. The following archery special hunt areas are established for the 1998 season:

A. Crow-Hassan Park Reserve in Hennepin county is open November 13 to November 15 for taking antlerless deer and legal bucks. No more than 135 permits shall be issued. Management permits are available and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

B. Murphy-Hanrehan Park Reserve in Scott county is open November 13 to November 15 for taking antlerless deer and legal bucks. No more than 180 permits shall be issued. Management permits are available and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

C. Cleary Lake Regional Park in Scott county is open November 13 to November 15 for taking antlerless deer and legal bucks. No more than 70 permits shall be issued. Management permits are available and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

D. Portions of the city of New Ulm as shown on maps available from the city are open September 26 to December 31 for taking antlerless deer and legal bucks. No more than 50 permits shall be issued by the city of New Ulm. A regular archery license and an archery deer management permit must be purchased to qualify for the hunt. One intensive harvest permit may be used by permittees to take deer. Applications must be sent to New Ulm City Deer Hunt, City Manager's Office, 100 North Broadway, New Ulm, MN 56073. The application deadline is August 29.

E. Portions of the city of Red Wing as shown on maps available from the city are open September 19 to December 31 for taking antlerless deer. A proficiency test is required and hunters must wear back tags during the hunt. A regular archery license and an archery deer management permit must be purchased to qualify for the hunt. Up to three intensive harvest permits may be used by permittees to take deer. Applications must be submitted to City of Red Wing Deer Hunt, 315 West Fourth Street, Red Wing, MN 55066.

F. The Bemidji-Beltrami County Airport is open September 19 to December 6 for taking antlerless deer. Management permits are available. Applications must be submitted to Bemidji Airport Archery Hunt, 217 Fourth Street N.W., Bemidji, MN 56601.

Expedited Emergency Rules

6232.1200 ARCHERY DEER MANAGEMENT PERMITS.

The purchase of an archery deer management permit is authorized for any person who has purchased and presents a valid archery deer license from the current year. Archery deer management permits may be purchased from county auditors' offices, the license bureau, and other authorized agents. The archery deer management permit authorizes taking an antlerless deer in the following areas:

A. special hunt areas by permittees where deer management permits are valid. In 1998, antlerless deer may be taken under an archery deer management permit in the Crow-Hassan Park Reserve, Murphy-Hanrehan Park Reserve, Cleary Lake Regional Park, City of New Ulm, City of Red Wing, and Bemidji-Beltrami County Airport archery special hunt areas; and

B. designated antlerless permit areas, which consist of antlerless permit areas that the commissioner anticipates will be under-subscribed. In 1998, antlerless deer may be taken under an archery deer management permit in the following antlerless permit areas: 209, 210, 223, 225, 226, 227, 228, 236, 337, 338, 339, 341, 342, 343, 345, 346, 347, 348, 349, 401, 402, 404, 405, 406, 408, 409, 411, 413, 414, 415, 416, 419, 429, 431, 452, 461, 462, 464, 465, 466, and 467.

6232.1250 TAKING DEER BY ARCHERY UNDER INTENSIVE HARVEST PERMITS.

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

Subp. 2. **Restrictions.** Intensive harvest permits may be used to take antlerless deer only or antlerless deer and adult bucks in antlerless permit areas and special hunt areas prescribed by the commissioner.

Subp. 3. **1998 archery intensive harvest permit areas.**

A. Intensive harvest permits may be used to take up to three antlerless deer by archery in the following areas in 1998:

(1) antlerless permit areas 228 and 337; and

(2) the Crow-Hassan Park Reserve, Murphy-Hanrehan Park Reserve, Cleary Lake Regional Park, and City of Red Wing archery special hunt areas.

B. Intensive harvest permits may be used to take one antlerless deer by archery in the City of New Ulm archery special hunt area.

C. Intensive harvest permits may be used to take up to three legal bucks or antlerless deer in the Twin Cities Army Ammunition Plant.

6232.1600 SPECIAL HUNT PROCEDURES.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **1998 firearms special hunt areas.** The following firearms special hunt areas are authorized for the 1998 season:

A. Rice Lake National Wildlife Refuge in Aitkin county is open November 14 to November 22 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to Zone 1 licensees. This is special hunt area 901.

B. Saint Croix State Park in Pine county is open November 14 and November 15 for taking antlerless deer and legal bucks. No more than 650 permits shall be issued to Zone 1 licensees. This is special hunt area 902.

C. Tettegouche State Park in Lake county is open November 7 to November 22 for taking antlerless deer and legal bucks. No more than 75 permits shall be issued to Zone 1 licensees. This is special hunt area 903.

D. Lake Bronson State Park in Kittson county is open November 12 to November 15 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to Zone 2 licensees. This is special hunt area 904.

E. Wild River State Park in Chisago county is open November 14 and November 15 for taking antlerless deer and legal bucks. No more than 100 permits shall be issued to Zone 2 licensees. This is special hunt area 905.

F. William O'Brien State Park in Washington county is open November 7 to November 9 for taking antlerless deer and legal bucks. No more than 50 permits shall be issued to Zone 2 licensees. Management permits are available and two intensive harvest permits may be used to take a third and fourth deer. This is special hunt area 906.

G. Zippel Bay State Park in Lake of the Woods county is open November 7 to November 15 for taking antlerless deer. No more than 40 permits shall be issued to Zone 2 licensees. Management permits are available. This is special hunt area 907.

H. Beaver Creek Valley State Park in Houston county is open November 21 to November 23 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to Zone 3B licensees. Management permits are available. This is special hunt area 908.

I. Elm Creek Park Reserve in Hennepin county is open November 21 and November 22 for taking antlerless deer and legal bucks. No more than 150 permits shall be issued to Zone 3B licensees. Management permits are available and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special hunt area 909.

J. Forestville State Park in Fillmore county is open November 21 to November 23 for taking antlerless deer. No more than 110 permits shall be issued to Zone 3B licensees. Management permits are available and one intensive harvest permit may be used to take a third deer. This is special hunt area 910.

K. Frontenac State Park in Goodhue county is open November 21 to November 27 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to Zone 3B licensees. Management permits are available. This is special hunt area 911.

L. Miesville Ravine Park Reserve in Dakota county is open November 21 to November 27 for taking antlerless deer and legal bucks. No more than 60 permits shall be issued to Zone 3B licensees. Management permits are available and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special hunt area 912.

M. Whitewater State Wildlife Management Area Game Refuge in Winona county is open November 21 to November 27 for taking antlerless deer. No more than 75 permits shall be issued to Zone 3B licensees. This is special hunt area 913.

N. Whitewater State Park in Winona county is open November 21 to November 24 for taking antlerless deer. No more than 50 permits shall be issued to Zone 3B licensees. This is special hunt area 914.

O. Zumbro Falls Woods Scientific and Natural Area in Wabasha county is open November 21 to November 28 for taking antlerless deer. No more than ten permits shall be issued to Zone 3B licensees. Management permits are available. This is special hunt area 915.

P. Prairie Smoke Dunes Scientific and Natural Area in Norman county is open November 7 and November 8 for taking antlerless deer. No more than 20 permits shall be issued to Zone 4A licensees. Management permits are available and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special hunt area 916.

Q. Prairie Smoke Dunes Scientific and Natural Area in Norman county is open November 14 to November 17 for taking antlerless deer. No more than 20 permits shall be issued to Zone 4B licensees. Management permits are available and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special hunt area 917.

R. Rice Lake State Park in Steele and Dodge counties is open November 14 to November 17 for taking antlerless deer. No more than 15 permits shall be issued to Zone 4B licensees. Management permits are available. This is special hunt area 918.

S. Lake Louise State Park in Mower county is open November 14 to November 17 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to Zone 4B licensees. Management permits are available and one intensive harvest permit may be used to take a third deer. This is special hunt area 919.

T. Maplewood State Park in Ottertail county is open November 14 to November 17 for taking antlerless deer and legal bucks. No more than 100 permits shall be issued to Zone 4B licensees. This is special hunt area 920.

Subp. 7. **Firearms special hunt area quota adjustments.** The commissioner may reduce the permit quota or authorize management permits for the St. Croix State Park and Wild River State Park firearms special hunts at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with Mille Lacs Band of Chippewa v. Minnesota, 124 F.3d 904 (8th Cir. 1997).

6232.1750 ORCHARD SUBPERMIT AREA.

Individuals licensed for the Zone 3A season are eligible to apply for a firearms management permit valid for taking an antlerless deer in the Orchard subpermit area, as described in the 1998 annual hunting and trapping regulations. Up to 125 permits shall be distributed by a random drawing. Applicants must complete the permit application form issued with the applicant's license and mail no later than September 10 to: Orchard Hunt, DNR Headquarters, 2300 Silver Creek Road N.E., Rochester, MN 55901.

6232.1800 ANTLERLESS PERMITS AND PREFERENCE DRAWINGS.

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

Subp. 3. **Antlerless permit areas.** Permit areas are comprised of partial, single, or grouped registration blocks described as follows:

A. Antlerless permit areas in Zone 1:

[For text of subitems (1) to (20), see M.R.]

(21) permit area 180-181-182-~~183-184~~-199 consists of registration blocks 180 to ~~184~~ 182 and 199;

(22) permit area 183-184 consists of registration blocks 183 and 184;

(23) permit area 194 consists of registration block 194; and

~~(23)~~ (24) permit area 197-198 consists of registration blocks 197 and 198.

[For text of items B to D, see M.R.]

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Subp. 4. **1998 antlerless permit quotas for Zone 1.** Up to the following quotas of antlerless permits are available in permit areas in Zone 1 for the 1998 season:

- A. permit area 152: 80;
- B. permit area 154-156: 600;
- C. permit area 157-158: 2,500; and
- D. permit area 159: 2,200.

Subp. 5. **1998 antlerless permit quotas for Zone 2.** Up to the following quotas of antlerless permits are available in permit areas in Zone 2 for the 1998 season:

- A. permit area 202: 100;
- B. permit area 204: 800;
- C. permit area 205: 600;
- D. permit area 206: 200;
- E. permit area 207: 250;
- F. permit area 208: 100;
- G. permit area 209: 1,000;
- H. permit area 210: 1,800;
- I. permit area 221: 1,000;
- J. permit area 222: 2,100;
- K. permit area 223: 3,000;
- L. permit area 224: 400;
- M. permit area 225: 2,500;
- N. permit area 226: 2,500;
- O. permit area 227: 5,000;
- P. permit area 228: 3,000;
- Q. permit area 235: 75;
- R. permit area 236: 3,500;
- S. permit area 244: 1,000;
- T. permit area 246: 1,500;
- U. permit area 247: 1,000;
- V. permit area 248: 500;
- W. permit area 249: 400;
- X. permit area 251: 200; and
- Y. permit area 287: 700.

Subp. 6. **1998 antlerless permit quotas for Zone 3.** Up to the following quotas of antlerless permits are available in permit areas in Zone 3 for the 1998 season:

- A. permit area 337: 2,500;
- B. permit area 338: 900;
- C. permit area 339: 1,300;
- D. permit area 341: 3,000;
- E. permit area 342: 2,100;
- F. permit area 343: 2,800;
- G. permit area 344: 1,500;
- H. permit area 345: 1,900;

- I. permit area 346: 2,600;
- J. permit area 347: 2,000;
- K. permit area 348: 2,600; and
- L. permit area 349: 3,000.

Subp. 7. **1998 antlerless permit quotas for Zone 4A.** Up to the following quotas of antlerless permits are available in permit areas in Zone 4A for the 1998 season:

- A. permit area 401: 350;
- B. permit area 402: 500;
- C. permit area 403: 200;
- D. permit area 404: 500;
- E. permit area 405: 700;
- F. permit area 406: 750;
- G. permit area 407: 550;
- H. permit area 408: 600;
- I. permit area 409: 3,500;
- J. permit area 410: 3,150;
- K. permit area 411: 3,500;
- L. permit area 412: 2,500;
- M. permit area 413: 2,300;
- N. permit area 414: 2,300;
- O. permit area 415: 1,800;
- P. permit area 416: 1,200;
- Q. permit area 417: 2,100;
- R. permit area 418: 1,300;
- S. permit area 419: 1,500;
- T. permit area 420: 350;
- U. permit area 421: 450;
- V. permit area 422: 350;
- W. permit area 423: 500;
- X. permit area 424: 500;
- Y. permit area 425: 175;
- Z. permit area 426: 250;
- AA. permit area 427: 200;
- BB. permit area 428: 350;
- CC. permit area 429: 700;
- DD. permit area 431: 400;
- EE. permit area 433: 575;
- FF. permit area 435: 700;
- GG. permit area 440: 600;
- HH. permit area 442: 400;
- II. permit area 443: 350;
- JJ. permit area 446: 250;

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KK. permit area 447: 140;
LL. permit area 448: 60;
MM. permit area 449: 100;
NN. permit area 450: 225;
OO. permit area 451: 200;
PP. permit area 452: 275;
QQ. permit area 453: 175;
RR. permit area 454: 200;
SS. permit area 455: 75;
TT. permit area 456: 350;
UU. permit area 457: 200;
VV. permit area 458: 350;
WW. permit area 459: 400;
XX. permit area 461: 1,000;
YY. permit area 462: 1,100;
ZZ. permit area 463: 350;
AAA. permit area 464: 400;
BBB. permit area 465: 300;
CCC. permit area 466: 700; and
DDD. permit area 467: 350.

Subp. 8. **1998 Antlerless permit quotas for Zone 4B.** Up to the following quotas of antlerless permits are available in permit areas in Zone 4B for the 1998 season:

A. permit area 401: 350;
B. permit area 402: 300;
C. permit area 403: 250;
D. permit area 404: 500;
E. permit area 405: 800;
F. permit area 406: 750;
G. permit area 407: 350;
H. permit area 408: 500;
I. permit area 409: 2,000;
J. permit area 410: 1,050;
K. permit area 411: 1,500;
L. permit area 412: 900;
M. permit area 413: 1,200;
N. permit area 414: 1,200;
O. permit area 415: 1,000;
P. permit area 416: 800;
Q. permit area 417: 1,100;
R. permit area 418: 700;
S. permit area 419: 1,100;
T. permit area 420: 250;
U. permit area 421: 250;

V. permit area 422: 150;
W. permit area 423: 250;
X. permit area 424: 500;
Y. permit area 425: 175;
Z. permit area 426: 250;
AA. permit area 427: 200;
BB. permit area 428: 350;
CC. permit area 429: 600;
DD. permit area 431: 400;
EE. permit area 433: 575;
FF. permit area 435: 600;
GG. permit area 440: 350;
HH. permit area 442: 500;
II. permit area 443: 250;
JJ. permit area 446: 250;
KK. permit area 447: 140;
LL. permit area 448: 60;
MM. permit area 449: 100;
NN. permit area 450: 225;
OO. permit area 451: 200;
PP. permit area 452: 275;
QQ. permit area 453: 175;
RR. permit area 454: 200;
SS. permit area 455: 75;
TT. permit area 456: 250;
UU. permit area 457: 200;
VV. permit area 458: 350;
WW. permit area 459: 400;
XX. permit area 461: 1,150;
YY. permit area 462: 1,300;
ZZ. permit area 463: 325;
AAA. permit area 464: 400;
BBB. permit area 465: 300;
CCC. permit area 466: 700; and
DDD. permit area 467: 450.

Subp. 9. Youth antlerless permit quotas. The following number of antlerless permits are available for resident youth under age 16 as of November 7. Permits under this subpart shall be drawn randomly within each of the listed permit areas:

A. permit area 172: 300;
B. permit area 173-174: 300;
C. permit area 183-184: 300;
D. permit area 245: 500;
E. permit area 284-286: 1,000; and
F. permit area 297-298: 200.

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Subp. 10. **Antlerless permit quota adjustments.** The commissioner may reduce the antlerless permit quotas specified for permit areas 152, 154-156, 157-158, 159, 221, 222, 223, 224, 225, 226, 227, 235, 236, and 249 and the youth antlerless permit quota for permit area 183-184 at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with Mille Lacs Band of Chippewa v. Minnesota, 124 F.3d 904 (8th Cir. 1997).

6232.1950 TAKING DEER BY FIREARMS UNDER INTENSIVE HARVEST PERMITS.

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

Subp. 3. 1998 regular firearms intensive harvest permit areas.

A. Intensive harvest permits may be used during the firearms season by regular firearms and multizone buck licensees to take up to three antlerless deer in antlerless permit area 228 during the Zone 2A season and antlerless permit area 337 during the Zone 3A and Zone 3B seasons.

B. Intensive harvest permits may be used to take up to three antlerless deer by persons with firearms special hunt permits for the Elm Creek Park Reserve, Miesville Ravine Park Reserve, and Prairie Smoke Dunes Scientific and Natural Area firearms special hunt areas.

C. Intensive harvest permits may be used to take one additional antlerless deer by persons with firearms special hunt permits for the Forestville State Park and Lake Louise State Park firearms special hunt areas.

D. Intensive harvest permits may be used to take two additional antlerless deer by persons with firearms special hunt permits for the William O'Brien State Park firearms special hunt area.

Subp. 4. **1998 muzzleloader intensive harvest permit areas.** Intensive harvest permits may be used to take up to three antlerless deer during the muzzleloader season by firearms hunters selecting the muzzleloader option in antlerless permit areas 228 and 337.

6232.2100 MUZZLELOADER SEASON AND AREAS.

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

Subp. 3. **Legal deer by muzzleloader.** Antlerless deer and legal bucks may be taken by muzzleloader during the muzzleloader season, except that in 1998, muzzleloader hunters may not take antlerless deer in those permit areas that have no antlerless permit quota or in those permit areas that have a quota of youth antlerless permits for firearms deer hunters under part 6232.1800, subparts 4, 5, and 9.

Subp. 4. **1998 muzzleloader special permit areas.** The following areas are open for muzzleloader hunting by permit during the 1998 season:

A. Crow Wing State Park in Morrison county is open December 5 and December 6 for taking antlerless deer. No more than 40 permits shall be issued to muzzleloader licensees. This is special permit area 921.

B. Jay Cooke State Park in Carlton county is open November 28 to December 6 for taking antlerless deer. No more than 75 permits shall be issued to muzzleloader licensees. Management permits are available. This is special permit area 922.

C. Myre Big Island State Park in Freeborn county is open November 28 to November 30 and December 5 and December 6 for taking antlerless deer. No more than 50 permits shall be issued to muzzleloader licensees. Management permits are available. This is special permit area 923.

D. Rice Lake State Park in Steele and Dodge counties is open November 28 to December 1 for taking antlerless deer. No more than 15 permits shall be issued to muzzleloader licensees. Management permits are available. This is special permit area 924.

Subp. 5. **Muzzleloader special permit area quota adjustments.** The commissioner may reduce the permit quota for the Crow Wing State Park muzzleloader special permit area at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with Mille Lacs Band of Chippewa v. Minnesota, 124 F.3d 904 (8th Cir. 1997).

6232.2450 MUZZLELOADER DEER MANAGEMENT PERMITS.

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

Subp. 2. **Open areas.** Firearms deer management permits issued to persons with firearms deer licenses validated for the muzzleloader option may be used to tag antlerless deer in designated special permit areas and in designated antlerless permit areas that the commissioner anticipates will be undersubscribed. In 1998, firearms deer management permits issued to persons with firearms deer licenses validated for the muzzleloader option may be used to tag antlerless deer:

A. by persons with muzzleloader special permits for the Jay Cooke State Park, Myre Big Island State Park, and Rice Lake State Park muzzleloader special permit areas; and

B. in the following antlerless permit areas: 209, 210, 223, 225, 226, 227, 228, 236, 337, 338, 339, 341, 342, 343, 345, 346, 347, 348, 349, 401, 402, 404, 405, 406, 408, 409, 411, 413, 414, 415, 416, 419, 429, 431, 452, 461, 462, 464, 465, 466, and 467.

6232.2500 DISABLED HUNT.

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

Subp. 2. **Open areas.** Disability permittees may hunt in open areas and seasons as designated by the commissioner and published in the annual hunting regulations booklet. In 1998, the following areas will be open for hunting by disabled hunters:

A. Carlos Avery Wildlife Management Area Sanctuary in Anoka county is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 17 to October 25. The Minnesota Deer Hunters Association and Capable Partners are the sponsoring nonprofit organizations.

B. Camp Ripley Military Reservation in Morrison county is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 7 and October 8. The St. Cloud Veterans Affairs Medical Center is the sponsoring organization.

C. Rosemoen Island in the Lac qui Parle Wildlife Management Area Sanctuary in Chippewa county is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow September 19 to September 27. Management permits are available. The Minnesota Deer Hunters Association and Capable Partners are the sponsoring nonprofit organizations.

D. Rydell National Wildlife Refuge in Polk county is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 16 to October 18. The Options Resource Center for Independent Living is the sponsoring nonprofit organization.

E. Permit Area 244-245 is open for taking antlerless deer and legal bucks using legal bow and arrow October 1 to October 4. The United Federation for Disabled Archers is the sponsoring nonprofit organization.

F. Cedar Creek Natural History Area in Anoka and Isanti counties is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 24 to November 1. Capable Partners is the sponsoring nonprofit organization.

6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

[For text of subps 1 to 61, see M.R.]

Subp. 62. **Registration Block 208.** Deer And Bear Registration Block 208 consists of that portion of the state lying within the following described boundary, except that portion described as Registration Block 203:

Beginning at the intersection of State Trunk Highway (STH) 32 and County State Aid Highway (CSAH) 6, Marshall County; thence along CSAH 6 to STH 89; thence along County Road (CR) 133, Marshall County, to CSAH 54, Marshall County; thence along CSAH 54 ~~to CSAH 28, Pennington County;~~ thence along CSAH 28 to a point due west of the northwestern corner of the Red Lake Indian Reservation; thence east to said corner; thence along the west boundary of the Red Lake Indian Reservation to STH 1; thence along STH 1 to STH 32; thence along STH 32 to the point of beginning.

[For text of subps 63 to 92, see M.R.]

Subp. 93. **Registration Block 339.** Deer And Bear Registration Block 339 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of Interstate Highway 35 (I-35) and State Trunk Highway (STH) 19; thence along STH 19 to the Little Cannon River; thence along the west bank of the Little Cannon River to its confluence with the Cannon River; thence along the north bank of the Cannon River to U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 18, Goodhue County; thence along CSAH 18 to Lock and Dam 3 and the east boundary of the state; thence along the east boundary of the state to the Mississippi River; thence along the east bank of the Mississippi River to U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 47, Dakota County; thence along CSAH 47 to CSAH 48, Dakota County; thence along CSAH 48 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 66, Dakota County; thence along CSAH 66 to STH 3; thence along STH 3 to CSAH 50, Dakota County; thence along CSAH 50 to CSAH 23, Dakota County; thence along CSAH 23 to CSAH 70, Dakota County; thence along CSAH 70 to I-35; thence along I-35 to the point of beginning.

Subp. 94. **Registration Block 341.** Deer And Bear Registration Block 341 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 19 and U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to County State Aid Highway (CSAH) 24, Dodge County; thence along CSAH 24 to CSAH 13, Olmsted County; thence along CSAH 13 to the municipal boundary of Pine Island; thence along the municipal boundary of Pine Island to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 12, Olmsted County; thence along CSAH 12 to U.S. Highway 63; thence along U.S. Highway 63 to U.S. Highway 61; thence due east to the east boundary of the state; thence along the east boundary of the state to ~~U.S. Highway 63; thence along U.S. Highway 63 to Lock and Dam 3;~~ thence along CSAH 18, Goodhue County to U.S. Highway 61; thence along U.S. Highway 61 to the Cannon River; thence along the north bank of the Cannon River to the west bank of the Little Cannon River; thence along the west bank of the Little Cannon River to STH 19; thence along STH 19 to the point of beginning.

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[For text of subps 95 to 157, see M.R.]

6234.1600 TAKING BOBCAT.

Subpart 1. **Open season.** Bobcats may be taken with legal firearms, bow and arrow, and by trapping from ~~the Saturday nearest December 1 to the Sunday nearest January 6~~ November 28 to December 13, 1998.

Subp. 2. **Open area.** Bobcats may be taken only in that area of the state lying north of Interstate Highway 94 beginning at the west boundary of the state; thence along Interstate Highway 94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.

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

6234.1700 TAKING FISHER.

Subpart 1. **Open season and area.** Fisher may be taken ~~only in the Forest Furbearer Zone~~ by trapping from the Saturday nearest December 1 to the Sunday nearest December 16.

[For text of subp 2, see 22 SR 317]

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

Subp. 4. **Open area.** Fisher may be taken only in that area of the state lying north of Interstate Highway 94 beginning at the west boundary of the state; thence along Interstate Highway 94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.

6234.1800 TAKING PINE MARTEN.

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

Subp. 2. **Open area.** Pine marten may be taken only in ~~the following described area:~~

~~Beginning at the north boundary of the state at the point due north of the junction of State Trunk Highway (STH) 41 and STH 72; thence due south to said junction; thence south along STH 72 to STH 1; thence east along STH 1 to STH 65; thence south along STH 65 to U.S. Highway 169; thence east along U.S. Highway 169 to STH 37; thence east along STH 37 to U.S. Highway 53; thence south along U.S. Highway 53 to the north shore of Lake Superior; thence along the north shore of Lake Superior to the north boundary of the state; thence along the north boundary of the state to the point of beginning that area of the state lying north of Interstate Highway 94 beginning at the west boundary of the state; thence along Interstate Highway 94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.~~

[For text of subp 3, see 22 SR 317]

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

EFFECTIVE PERIOD. The emergency amendments to parts 6232.0700, 6232.0800, 6232.1200, 6232.1250, 6232.1600, 6232.1800, 6232.1950, 6232.2100, 6232.2450, 6232.2500, 6234.1600, 6234.1700, and 6234.1800 expire December 31, 1998. The emergency amendments to part 6232.4700 expire 18 months after adoption. After the emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule. Part 6232.1750 expires December 31, 1998.

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration

Request for Comments on Planned Amendments to Rules Governing State Contracts, *Minnesota Rules*, 1230.0100 to 1230.1910

Subject of Rules. The Minnesota Department of Administration requests comments on its planned amendments to rules governing state contracts. The department is considering rule amendments pertaining to the state's procurement practices including rules relating to solicitations and responses, bid security, vendor errors, opening of responses, award of contracts, tie bids, award protest process, vendor contract performance and failure to perform, authority to debar, suspend and reinstate vendors, contract cancellation, procurement from rehabilitation facilities, Minnesota Corrections Industries, small businesses, small targeted-group businesses and small economically-disadvantaged businesses. The department's rule amendments are expected to:

- 1) **Update and Modernize:** The Department of Administration will update and modernize the rules so that they are consistent with statutory changes that took place when *Minnesota Statutes* Chapter 16B was replaced by *Minnesota Statutes* Chapter 16C on July 1, 1998. Changes include amending language such as the terms "bidder" and "bids" to "responder" and "response" so the sections are applicable to a wider range of solicitation methods provided for in 16C. Other updates include changing any references to 16B to the appropriate section of 16C; changing the rules regarding tie bids as a result of the new one-bid limit of \$2,500; and updating the rules regarding vendor performance, debarment and suspension including clarifying the procedure to be followed if a vendor is debarred by other governmental entities.
- 2) **Reorganize, clarify and streamline:** The department will conduct some reorganization, rephrasing and clean-up of the rules to clarify and to avoid redundancy with statutory language.
- 3) **Make Substantive Changes:** The department expects that there will be substantive changes to the rules including the deletion of the requirement that all awards shall be made to the lowest responsible bidder. This is in accordance with the statutory change allowing for awards to be made by determining which vendor, goods and/or services will provide the best value to the state considering factors in addition to price, such as past performance, life cycle costing and environmental issues. Building construction awards will continue to be made to the lowest responsible bidder pursuant to statute. Other substantive changes will include the deletion of the three year debarment limit to be consistent with federal practices and clarification of the causes for debarment.

Persons Affected. The amendments to the rules will likely affect all vendors of the state with the exception of those involved with the building construction process. (The new statutory language does not apply to building construction projects.) The rules also affect personnel of the Materials Management Division of the Department of Administration and state agency personnel with delegated authority to conduct local purchasing.

Statutory Authority. *Minnesota Statutes* §16C.03 subd. 2 authorizes the department to adopt rules relating to solicitations and responses, bid security, vendor errors, opening of responses, award of contracts, tie bids, award protest process, vendor contract performance and failure to perform, authority to debar, suspend and reinstate vendors, contract cancellation and procurement from rehabilitation facilities. *Minnesota Statutes* §16C.16 subd. 2 requires the department to adopt rules defining small business. *Minnesota Statutes* §16C.19 (a) requires the department to adopt by rule standards and procedures for certifying that small businesses, small targeted group businesses and small businesses located in economically disadvantaged areas are eligible to participate under the requirements of sections 16C.16 to 16C.21. Further, *Minnesota Statutes* §16C.19 (a) requires the department to adopt by rule standards and procedures for hearing appeals and grievances and other rules necessary to carry out the duties set forth in sections 16C.16 to 16C.21. *Minnesota Statutes* §16C.19 (b) authorizes the department to make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers, manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21. *Minnesota Statutes* §16C.19 (c) authorizes the department to make rules that set time limits and other eligibility limits on business participation in programs under 16C.16 to 16C.21.

Public Comment. Interested persons or groups may submit comments or information on these planned rules orally or in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The department has not yet prepared a draft of the planned amendments to the rules.

Official Notices

Department Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Betsy Hayes, Department of Administration, Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, (651) 296-5942 (voice), (651) 297-5347 (FAX). TTY users may call the Department at (651) 282-5799.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Dated: 25 August 1998

Commissioner Elaine Hansen
Department of Administration

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m., Thursday, September 3, 1998, at Allina Health Systems, conference room #300, 5601 Smetana Drive, Minnetonka.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Health

Health Policy and Systems Compliance Division

Notice of Publication of the "HCFA 1500 Manual" as Defined by the Commissioner of Health; Per *Minnesota Statutes*, section 62J.52

Introduction: Notice is hereby given that the "HCFA 1500 Manual" as defined by Commissioner of Health is available for use for paper claims submitted on the HCFA 1500 form. The manual will be available in the Minnesota Bookstore at (651) 297-3000 or (800) 657-3757.

Description and Statutory Reference: The manual is a description of the conventions of use for the HCFA 1500 paper form published by the Health Care Financing Administration (HCFA). The manual has been developed per *Minnesota Statutes*, section 62J.52. The statute reads in relevant part: "(a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1500 shall be in accordance with the manual developed by the Administrative Uniformity Committee entitled "Minnesota Standards for the use of the HCFA 1500 Claim Form", dated February 1994, as further defined by the commissioner." The updated edition of this manual, in this announcement, is the further definition mentioned.

Development: The Administrative Uniformity Committee (AUC) and its subcommittees developed and revised the manual. All editions of the manual have been submitted for public comment; the most recent (third) edition was announced in the *State Register* on July 14, 1998. The comment period for the third edition was from July 13 to August 12, 1998. In addition, a mailing of the public comment notice was sent to provider organizations including allied health organizations, approximately 1200 medical clinics, all Minnesota hospitals, and approximately 680 payers known to do business in Minnesota.

The Minnesota Department of Health at (651) 282-5650 collected the public comments. Five comments were received. There was general agreement on most issues, but some remain to be discussed in future editions; a format for bringing issues to the attention of the AUC for future editions is provided in the "HCFA 1500 Manual". The AUC subcommittee on Data Definitions reviewed the comments and was able to resolve the issues as presented; no commentor requested a meeting to resolve issues.

Intent: The intent of this manual, and indeed the entire Administrative Simplification Act (ASA), is to promote uniformity among payers and providers in completing billing formats. That is, one payer must not require field "A" to be completed while another payer refuses to accept claims in which field "A" has been completed. The AUC anticipates that Minnesota payers and providers will want to use the Minnesota norms to standardize themselves, and to the extent that they can, promote this uniformity elsewhere as well. This manual provides those Minnesota norms.

(Please note that this manual is not intended to be used for government programs such as Medicare and Medicaid (Medical Assistance). These programs must conform to federal and state regulations which sometimes require variations from usual practice. Each of these programs publishes their billing requirements.)

Date of Implementation: The "HCFA 1500 Manual" is to be used by providers and non-government payers in Minnesota as of October 1, 1998.

Effective Date: October 1, 1998

Anne M. Barry, Commissioner

Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of Gustavus Adolphus College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Gustavus Adolphus College, a Minnesota nonprofit corporation (the "College"), as owner and operator of Gustavus Adolphus College, an institution of higher education, at the Authority's offices at Suite 450, Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on September 15, 1998 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$19,000,000 to finance a project described generally as the construction, furnishing and equipping of a new campus center for dining and other student services by adding 51,200 square feet of new construction and remodeling approximately 55,000 square feet of the existing dining service building and the construction of a 24 unit student housing facility of approximately 33,300 square feet (the "Project"), owned or to be owned and operated by the College and located on its main campus, the principal street address of which is 800 West College Avenue, St. Peter, Minnesota, 56082-1498.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the project.

Dated: 31 August 1998

By Order of the Minnesota Higher
Education Facilities Authority
J. Luther Anderson
Executive Director

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

Additional classes of Labor, **Code 430, Wiring System Technicians** and **Code 431, Wiring Systems Installer**, has been determined for the Commercial Prevailing Wage Rates in **Waseca County**, which were certified 10/20/97.

Copies of the additional certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Official Notices

Metropolitan Council

Notice of Public Hearing on Adoption of Public Housing Waiting List for Metropolitan Housing Opportunity Program Incentive Units

The Metropolitan Council's Housing and Redevelopment Authority (HRA) Advisory Committee will hold a public hearing on the adoption of a public housing waiting list for the Metropolitan Housing Opportunity Program (MHOP). The HRA will hold the hearing to discuss the following proposed ranking system for selecting applicants from a public housing waiting list:

The Metropolitan Council HRA, in accordance with promoting MHOP development in suburban jurisdictions, has agreed to provide waiting list functions for local units of government by managing the local incentive units waiting list. This waiting list will be ranked according to: (1) soliciting interest from applicants currently on the Metro HRA Section 8 waiting list who are identified as currently residing in the jurisdiction being served by the MHOP units; (2) applicants currently on the Metro HRA Section 8 waiting list in any community; (3) Metro HRA would advertise for applications for a public housing waiting list specifically for the local unit of government where the incentive units are to be located.

The public meeting will be held:

- 10 a.m., Wednesday, September 30, 1998
- Metropolitan Council
- Room 1A
- Mears Park Centre Building
- 230 East Fifth St.
- St. Paul, MN 55101

All interested persons are encouraged to attend the meeting and offer comments. People may register in advance to speak by calling **Barbara Soihr at (651) 602-1584 or TTY (651) 291-0904**. Upon request the Council will provide a reasonable accommodation to persons with disabilities. In addition to speaking at the hearing comments may be made in the following ways:

- Written comments to Barbara Soihr, Metro HRA, 230 East Fifth St., St. Paul, MN 55101
- Faxed Comments to Ms. Soihr at (651) 602-1313
- Voice Comments recorded on the Public Comment Line at 602-1500
- E-Mail Comments to: data.center@metc.state.mn.us
- Comments must be received by Monday, September 28, 1998.

Minnesota Pollution Control Agency

South District

Request for Comments on Planned Amendment to Rules Governing Animal Feedlots, *Minnesota Rules* Chapter 7020, Parts 7001.0020, 7002.0310, and 7050.0215

Subject of Rule. The Minnesota Pollution Control Agency (MPCA) requests comments on its planned amendment to rules governing the storage, transportation, disposal and utilization of animal manure, and the application for and issuance of permits and certificates of compliance for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment. *Minnesota Rules* ch. 7020 includes rules for the control of livestock, poultry, and other domesticated animal manure, and the county processing and MPCA's approval/supervisory authority of county delegated permit application programs. Part 7001.0020 establishes the procedures for permit issuance, part 7002.0310 establishes permit fees, and part 7050.0215 establishes water quality standards requirements for animal feedlots.

The MPCA is considering the amendment of Chapter 7020. The rules would be amended to 1) establish technical standards and requirements for manure management and feedlot construction and 2) update the feedlot water quality permitting program.

- The new technical standards and requirements will address manure storage, stockpiling, land application and feedlot construction and closure.

- The permitting program will be updated to address issues staff have identified through their experience administering the program and the legislative mandate to issue National Pollutant Discharge Elimination System (NPDES) permits to feedlots with 1,000 or more animal units by January 1, 2001.

Persons Affected. The amendment to the rule would likely affect owners and operators of feedlots; persons involved in the storage, transportation, disposal and utilization of manure; those interested in management of domesticated animals or related facilities; counties who process applications for feedlot permits, counties interested in applying for a delegated permit application program, and those interested in Minnesota water quality. The MPCA has been discussing rule amendment issues with county feedlot pollution control officers and the Feedlot and Manure Management Advisory Committee (FMMAC), which includes representatives from diverse organizations concerned with agriculture and feedlot and manure management in Minnesota.

Statutory Authority. Statutory authority for these rule amendments include *Minnesota Statutes*, section 115.03, subdivision 1; section 115.03, subdivision 5, section 116.07, subdivision 2; and section 116.07, subdivision 7. Section 115.03 provides MPCA with authority to adopt and modify rules regarding the control of pollution and the construction and operation of disposal systems, and the implementation and administration of the federally-delegated National Pollutant Discharge Elimination System (NPDES) program. Section 116.07 also provides MPCA authority to adopt standards for the control of the collection, transportation, storage, processing and disposal of animal waste, and rules governing the issuance of permits for feedlots and the implementation of county-delegated permit application processing programs. In addition to these authorities, *Minnesota Laws 1998*, chapter 401, section 53, directs that the updated feedlot rules must become effective no later than June 1, 1999.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Monday, September 14, 1998. The MPCA does not anticipate that a draft of the rule amendments will be available to the public before the proposed rules are published in the *State Register*. **Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.** However, public hearings will be held on the MPCA's proposed animal feedlot rule amendments. An administrative law judge will conduct the hearings. Concerned parties will have three opportunities to provide comments: 1) during the 30-day notice before the hearings, 2) during the hearings, and 3) during the post-hearing comment period. A notice with specific information about the hearings will be published along with the proposed rule language at a later date.

Written or oral comments, questions and requests for more information on the MPCA's plan to amend the animal feedlot rules should be addressed to:

Don Hauge
Policy and Planning Division
Community & Area Wide Section
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(651) 296-8481
MN Toll Free: 1-800-657-3864
TTY: (651) 282-5332

The Notice of Hearing will be mailed to the MPCA mailing lists for parties concerned about feedlots, and persons with feedlots who received a certificate of compliance or permit within the last three years. If you are not on these mailing lists and would like to receive this notice, please call Mr. Hauge at the phone number above.

Peder Larson
Commissioner

Department of Public Safety

Division of Alcohol and Gambling Enforcement

Request for Comments on Planned Amendments to Rules Governing Liquor, *Minnesota Rules*, Chapter 7515

Subject of Rules. The Minnesota Department of Public Safety requests comments on its planned amendments to rules governing alcoholic beverages. The Department is considering rule amendments that will make the rules consistent with the language and provisions found in, as well as the intent of, *Minnesota Statutes*, Chapter 340A including, but not limited to, the following changes:

1. application of the term “alcoholic beverages”, as defined in chapter 340A, consistently and where appropriate to clarify existing rules;
2. provision requiring Minnesota importers, manufacturers, rectifiers and wholesalers licensed pursuant to chapter 340A to maintain invoice records on licensed premises for a period of not less than two years;
3. clarification of the term “good moral character” as it relates to applicants in the approval process of a retail license;
4. provisions reflecting changes of the term “willful violation of law” to “violation of law” and including “any felony” with respect to the determination of eligibility or consideration for approval of a license;
5. clarification of restrictions concerning ownership and interests in more than one off-sale license per issuing authority;
6. provision requiring a license application to include a description of the compact and contiguous area in which the licensee will conduct business;
7. provision that the commissioner approve on-sale wine licenses;
8. provision that malt beverages may not be imported without a valid license; and
9. elimination of all references to prohibitions of price advertising of alcoholic beverages.

Persons Affected. The amendments to the rules would likely affect retailers, wholesalers, manufacturers and importers of alcoholic beverages, as well as persons applying for the various liquor licenses.

Statutory Authority. *Minnesota Statutes*, section 299A.02, subd.3, allows the commissioner to “make reasonable rules to effect the object of chapters 297C or 340A.” *Minnesota Statutes*, section 340A.507, subd.1, allows the commissioner to adopt rules that regulate the advertisement of alcoholic beverages.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing by 4:30 p.m. on November 30, 1998. The Department does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Department has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Marlene L. Kjelsberg, 444 Cedar Street, Suite 133, St. Paul, Minnesota, 55101, phone number (651) 296-6430, FAX (651) 297-5259, e-mail: marlene.kjelsberg@state.mn.us. TTY users may call the Department at (651) 282-6555.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: The Department will consider comments received in response to this notice when preparing the draft of amendments. They may not, however, be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started.

Dated: 20 August 1998

Donald Davis, Commissioner
Department of Public Safety

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Education Division

Notice of Availability of Funds for Vocational Programs for Criminal Offenders

The Carl Perkins Vocational and Applied Technology Act designates that 1% of the total state allocation will be set aside for vocational programs for criminal offenders. Included in the definition of criminal offender are individuals charged with or convicted of any criminal offense, including a youth or juvenile offender. State, county, local, and private correctional facilities are eligible to receive funds.

The 1% monies, approximately \$166,000 for the grant period November 1, 1998 through September 30, 1999 is being made available on a request for proposal basis (RFP). All proposals will be reviewed, ranked, and recommended for funding by a team of readers. Proposal emphasis should focus on the development of assessment procedures, vocational exploration, vocational training or development of transition procedures.

There is no assurance of continued funding for following fiscal years.

Proposals are due in Department of Corrections no later than Thursday, October 14, 1998. To receive a copy of the RFP, which includes a description of how to apply, contact Scott Olson, Minnesota Department of Corrections, Suite 200, 1450 Energy Park Drive, St Paul, MN 55108. Telephone at (651) 642-0242, FAX (651) 603-0150, TTY (651) 643-3589 or email at Solson@co.doc.state.mn.us.

Housing Finance Agency

Notice of Request for Proposals for Administrators for the Home Equity Conversion Counseling Program

The Minnesota Housing Finance Agency announces the availability of funding for the Home Equity Conversion Counseling Program. Proposals are hereby solicited from non-profit entities as defined in *Minnesota Rules* pt. 4900.0010, subpart 21, (including housing and redevelopment authorities) that have as a primary purpose assisting elderly persons in obtaining and maintaining affordable housing. Administrators may not be a part of or affiliated with a lender or a vendor of home equity conversion loans or products.

The Home Equity Conversion Counseling Program provides a grant for an eligible administrator to provide home equity conversion counseling services to senior homeowners on a state-wide basis. "Home equity conversion" means plans where homeowners convert equity in their homes into spendable funds while retaining title to the homes. The funds do not have an obligation of immediate repayment. The applicant selected to administer the program must, at a minimum, perform the counseling services prescribed in *Minnesota Rules* pt. 4900.2040.

There is currently a \$25,000 grant available for the Home Equity Conversion Counseling Program. The grant is to provide a home equity conversion counseling budget for a one-year period, available for the period between November 1, 1998 through October 31, 1999. Only one grant recipient will be selected.

Proposals must include:

1. Documentation of applicant eligibility as an administrator as described above and under *Minnesota Rules* 4900.2050.
2. A description of the applicant's organization that demonstrates that the applicant is knowledgeable about home equity conversion, including reverse mortgage programs; has experience in counseling older persons on housing, including knowledge of alternative arrangements for older persons; and has knowledge of existing public benefit programs and other appropriate financial and legal resources for older persons.
3. A detailed description of how the proposed program would be administered, including qualifications of staff and proposed means of recordkeeping.
4. A detailed budget for the specified period showing all sources and uses of funds, including grant funds.
5. A description of the means that the applicant plans to use to provide outreach and counseling on a state-wide basis.

State Grants & Loans

The deadline for receipt of proposals is 4:00 p.m., October 2, 1998.

All proposals will be evaluated by the Agency in accordance with *Minnesota Rules* pt. 4900.2060. The Agency may enlist the services of individuals not employed by the Agency who are familiar with home equity conversion programs to aid in evaluating proposals received.

Complete proposals packets which contain specific information and instructions for proposal submission may be obtained from the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, Attention: Tana Douville, Minnesota Homes Division.

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for 1998 Grants

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85 and Bureau of Mediation Services Rules, Chapter 5520.

The purpose of the program is to improve labor-management relations and enhance economic development in a geographic area of the state or within an industry sector through labor management cooperation.

In addition to funding for the start up or continuing operations of Labor-Management Committee programs, grants may also be available for the provision of technical assistance by existing committees for the development of new committees or for program expansion in existing operations.

Grants will be based to a significant degree on each applicant's ability to demonstrate program goals, objectives and work plans which address specific outcomes. The applicant may address all or a combination of the following points:

1. Increase in participation in the labor-management cooperative process.
2. Increase in shared decision making between labor and management.
3. Enhancement of the level of knowledge regarding issues that affect the workplace.
4. Enhancement of the economic development climate in the area or industry of operation.
5. Maintain and/or increase the number of specialized joint labor-management programs designed to increase the efficiency of services provided to the industry or geographic area which is served.
6. Other evidence of positive labor-management program results attained through joint cooperative methods.

Persons interested in applying for such funds may secure an application form and program policies by requesting them in writing from:

John Kuderka, Program Director
Office of Cooperative Labor-Management Programs
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253
(651) 649-5435

Applications for funding for calendar year 1999 will be accepted until October 15, 1998. All grants awarded will be effective January 1, 1999.

Lance Teachworth,
Commissioner

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Office of the State Auditor

Notice of Request for Proposals for Reformatting of DOS-Based Bookkeeping Program

The Minnesota Office of the State Auditor (OSA) is requesting proposals for professional consulting and programmer services to reformat a DOS based computer software program to a Microsoft Windows software program and provide other program enhancements. The present software program provides small local units of government with a simple bookkeeping and financial reporting system. The consultant/programmer will identify a methodology for reformatting and enhancing the bookkeeping and financial reporting system that complies with cash basis of accounting, the minimum reporting requirements of the OSA, Generally Accepted Governmental Accounting Standards, the laws of the State of Minnesota and is acceptable to the OSA. The consultant will also be required to assist in answering technical questions. Responses to this request will be used to select a vendor.

All interested vendors should contact the person below by letter or telephone to request a full copy of the Request for Proposal:

Matthew Lindemann
MN Office of the State Auditor
525 Park Street
Suite 400
St. Paul, MN 55103
Telephone: (651) 297-7110
FAX: (651) 282-2391
Website: www.osa.state.mn.us/ctas/

All proposals must be submitted on or before 3:00 P.M. Central Time, September 21, 1998 as specified in the Request for Proposal.
NO PROPOSAL RECEIVED AFTER THAT DATE AND TIME WILL BE CONSIDERED.

Department of Children, Families and Learning

Life Work Development Division

Notice of Request for Proposals for the Career Resource System

Overview

The State of Minnesota and collaborating agencies including Northeast Service Cooperative are developing the Career Resource System (CRS). The Career Resource System is an Internet based system that provides learners, employers, teachers and counselors and others with up to date information on career exploration opportunities for learners. Learners will be able to find various resources including job descriptions, company descriptions and even access to selected individuals who are willing to share job experiences with the learners. This Internet site will originate at the School to Work website located at <http://cfl.state.mn.us/stw> and will include information on job experience activities such as job shadowing, apprenticeships, job tours and other opportunities. The Career Resource System will share some data currently contained in the Internet System for Education and Employment Knowledge (ISEEK). ISEEK is located at <http://www.iseek.org/>

This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interests.

Consultant

CFL is seeking the professional and technical services of a consultant to develop the CRS. This project will be completed by January 29, 1999. The consultant or contractor will work with the CFL project manager and collaborating agencies.

CRS purpose and Objectives

The primary purpose of the CRS is to package a broad base of career exploration opportunities for learners. This will include a CRS website and servicing information requests from any authorized website that will be integrating CRS content.

Professional, Technical & Consulting Contracts

Key objectives of CRS include assisting learners, counselors, teachers and employers to obtain information on career exploration opportunities.

1. The system is designed to provide a state wide component to organize career resources provided by Minnesota companies that have facilities throughout the state.
2. The system will also include regional sites that will service regional groups. The resources listed in the regional databases would not be available outside the region. Resources listed on the statewide system would be available to all regions or just those regions defined by the employer.

The system will contain regional implementations so that local School to Work partnerships will be able to establish and maintain local career experience databases that includes local resources that are not accessible on a state wide basis. The local systems will be hosted and maintained by the local partnerships.

The system will interact with ISEEK to utilize the career listings and link to the career descriptions and information on ISEEK. ISEEK was designed with an application engine that services query requests from websites. The requests are transaction oriented and provide a cursor of requested data. In this way, each regional website will not be required to maintain a list of careers and a career search mechanism. The local systems will focus on creating and maintaining the local career experience resource database.

Product Description

The architecture of the CRS will use several layers of servers dedicated to specific functionality. This architecture provides for flexibility and for growth. The architecture allows all servers to run on one machine or on several machines. As more capacity is required, additional capacity can be added without modifying software.

CRS will exist as a School to Work website on the Internet and as an application server that will provide CRS information to school and employer websites that wish to incorporate career resource sharing in their websites. This will give participating organizations the opportunity to provide current information on their websites while maintaining their own look and feel. To facilitate this CRS integration, an application development tool kit will be provided to local webmasters to provide easy integration into local websites.

The hardware necessary to operate the CRS is the responsibility of the State. The computer platform will be an SP2 with an AIX operating system and a Oracle database.

Project Tasks and Timetable

Responders are encouraged to submit their proposal in two sections. Part one will detail their response to creating the Career Resource System and part two will be a breakout section containing tasks and cost for the Ask the Expert System.

Contractors are expected to:

- Become knowledgeable of the purpose of the project and the mission of School to Work.
- Interview key persons assigned by CFL to assist in developing the Career Resource System.
- Complete the design of the project including a project plan.
- Meet on a regular basis with the project manager
- Develop the project according to the functional specifications and the project plan.

Proposers may propose additional tasks or activities beyond those listed in the functional specifications if they will substantially improve the results of the project.

The anticipated timeline is October, 1998 through January, 1999

Functional Specifications

Functional specifications which detail the deliverable items for the CRS technical development are available as part of the Request for Proposal. Included with the functional specifications is a CRS project plan which lists approximately 30 project tasks.

Proposal Submission

Proposals should document experience with similar collaborative computer data base development and internet projects and applicant ability to effectively carry out all aspects of the project. Resumes of principal consultants who will be assigned to the project should accompany the proposal, as well as the names and contact information for 3 current references. Fax copies will not be accepted.

Schedule for the proposal process:

- Announcement of the Request for Proposal August 31, 1998
- Proposal Conference September 8 , 1998
- Notice of Intent to Respond September 14, 1998
- Proposal submission date September 25, 1998

Professional, Technical & Consulting Contracts

- Estimated Selection date October 9, 1998
- Estimated Contract Execution October 16, 1998

Proposals must be received by 3:00 p.m. on September 25, 1998. Late proposals will not be considered.

To receive a copy of the complete Request for Proposal and the CRS Functional Specifications, or if you have any questions regarding this request for proposal, you may contact:

Daniel Wagner
Supervisor of MCIS and Project Manager of ISEK
Room 660
Office of Lifework Development
Minnesota Department of Children, Families and Learning
Capitol Square Building, 550 Cedar Street, St. Paul, MN. 55101
FAX: (651) 297-3442; phone: (651) 297-2659
E-mail: dan.wagner@state.mn.us

Other state personnel are not allowed to discuss this RFP with prospective responders.

Project Costs

The department will only consider fixed price proposals not to exceed \$85,000.00.

Proposal Evaluation Criteria

Applications will be reviewed and evaluated through a review process. The review will include an evaluation of the proposal submitted by the applicant. Selected applicants may be invited to interview with the selection committee.

In compliance with Minnesota Statutes 16C.07, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this request for proposal.

Colleges and Universities, Minnesota State (MnSCU)

Northland Community & Technical College, Thief River Falls, MN

Notice of Request for Proposals (RFP) for Computer Hardware & Software

Northland Community & Technical College is requesting proposals for thirty-two (32) computers. Proposals are to be submitted to: Northland Community & Technical College, 1101 Highway 1 East, Thief River Falls, MN 56701. ATTN: Dennis Paesler, Computer Bid. All proposals must be received no later than 1:00 P.M. September 8, 1998.

Copies of the RFP are available only by contacting Dennis Paesler at (218) 681-0847 or by FAX: (218) 681-0724.

Housing Finance Agency

Request for Proposals for Software and Database Conversion: Ingres to Oracle

The Minnesota Housing Finance Agency (Agency) is issuing a Request for Proposals for conversion of a group of its computer software applications from the CA-Ingres software development toolset to the Oracle version 7 Developer toolset. The results sought of necessity include converting the MHFA's Ingres database to an Oracle version 7 database.

The services to be provided under this proposal include, but are not limited to, conversion of software, conversion of database and testing the converted items. Detailed information is available from and proposals are to be submitted to the Minnesota Housing Finance Agency, David Ruch, Information Systems Director, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, (651) 296-9816, no later than 4:00 P.M., September 29, 1998.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. The responses of any state employee will be evaluated along with other responses to this Request for Proposals.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

their proposal. For information regarding certification, contact the Materials Management Helpline (651) 296-2600; TTY (651) 282-5799.

Metropolitan Council

Notice of Request for Proposals (RFP) for Assisting the Council With the Design/Build Project Delivery Process for the South Washington County Plant

The Metropolitan Council is requesting proposals for technical and professional services to assist the Council with the design/build project delivery process for the South Washington County Plant. This plant will be a new 10 MGD facility replacing an older small plant on a constrained site. The Facility Plan for this project is scheduled to be completed on 8/28/98. The schedule is to have the facility operational in 2002.

The objectives of these services for this RFP are to provide a preliminary design report, develop performance specifications/standards and conceptual drawings, assist in design/build proposal document preparation, attend pre/post proposal conferences, evaluate design/build proposals, participate in discussion necessary to aid in executing a design/build agreement, and provide design and construction oversight support.

A tentative schedule for consultant selection is:

| | |
|--|----------------|
| Receive letters of interest | September 1998 |
| Issue Request for Proposals | September 1998 |
| Site Visit and Informational Meeting | October 1998 |
| Receive Proposals | November 1998 |
| Evaluate and Rank Proposals | November 1998 |
| Metropolitan Council authorization | December 1998 |
| Contract negotiated, executed, NTP | December 1998 |
| Design/Build Request for Proposal issued | May 1999 |

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Administrative Assistant, Contracts and Documents Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Craig Christenson at (651) 602-1176.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Minnesota Historical Society

Request for Bids for Installation of Direct Digital Controls Fort Snelling Visitor Center

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete installation of direct digital controls (DDC) and related electrical interfaces and items for a complete and operating systems at Fort Snelling Visitor Center. This will include complete calibration and commission of the controls system, training and testing.

The Request for Bid is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (651) 297-5863 (jenna.gruen@mnhs.org).

All bids must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 pm Central Time, Wednesday September 16, 1998. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

There will be a MANDATORY pre-bid meeting for all interested parties on September 8, 1998 at 10:30am at the site. Fort Snelling Visitor Center is located between the Mississippi River and Twin Cities International Airport-just minutes east of the Mall of America. Take the Fort Snelling exits on Minnesota Highways 5 or 55.

Complete specifications and details concerning submission requirements are included in the Request for Bids.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.