

## CHAPTER 165

### BRIDGES

165.01	DEFINITIONS.	165.08	BRIDGE OVER WATERS BETWEEN STATES OR NATIONS.
165.02	POWERS OF ROAD AUTHORITIES.	165.09	JOINT ESTABLISHMENT OF BRIDGE OVER NAVIGABLE STREAM.
165.03	STRENGTH OF BRIDGE; INSPECTION.	165.10	BONDS.
165.04	BRIDGE, CULVERT; WIDTHS.	165.12	MAINTENANCE OF BRIDGE ON TOWN ROAD.
165.05	RAILROAD BRIDGE OVER HIGHWAY.	165.14	TRUNK HIGHWAY BRIDGE IMPROVEMENT PROGRAM.
165.06	HIGHWAY BRIDGE AND APPROACH OVER RAILROAD.	165.15	STILLWATER LIFT BRIDGE ENDOWMENT ACCOUNT.
165.07	INTERSTATE BRIDGE.		

**165.01** MS 1957 [Renumbered 166.01]

#### **165.01 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 have the meanings given them.

Subd. 2. **AASHTO manual.** "The Manual for Bridge Evaluation," published by the American Association of State Highway and Transportation Officials, is incorporated by reference.

Subd. 3. **Bridge.** "Bridge" is defined as a structure, including supports erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between the spring line of arches, or between the extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than one-half of the smaller contiguous opening. This definition of a bridge includes only those railroad and pedestrian bridges over a public highway or street.

Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, incorporated by reference.

**History:** 1959 c 500 art 6 s 1; 2008 c 287 art 1 s 19; 2012 c 287 art 3 s 13

**165.02** MS 1957 [Renumbered 166.02]

#### **165.02 POWERS OF ROAD AUTHORITIES.**

The road authorities may construct, reconstruct, improve, and maintain bridges whenever they deem bridges to be necessary. Any new or reconstructed bridge may have a separate lane in at least one direction, and may have a lane in both directions, eight feet in width for recreational use. The same may be true for each underpass.

**History:** 1959 c 500 art 6 s 2; 1973 c 620 s 4

**165.03** MS 1957 [Renumbered 166.03]

**165.03 STRENGTH OF BRIDGE; INSPECTION.**

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed 24 months for bridges or 48 months for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. The commissioner may require interim inspections at intervals of less than one year on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) Additional requirements apply to structures meeting the NBIS definition of a bridge:

(1) Underwater structural elements must be inspected at regular intervals not to exceed 60 months. The commissioner may require inspections at intervals of less than 60 months on certain underwater structural elements based on factors including, but not limited to, construction material, environment, age, scour characteristics, the condition ratings from past inspections, and any known deficiencies.

(2) Fracture critical members, or FCMs, must receive a hands-on fracture critical inspection at intervals not to exceed 24 months. The commissioner may require inspections at intervals of less than 24 months on certain FCMs based on factors including, but not limited to, age, traffic characteristics, and any known deficiencies.

(3) The commissioner may establish criteria to determine the level and frequency of these inspections. If warranted by special circumstances, the commissioner retains the authority to determine the inspection type and required inspection frequency for any bridge on the state inventory.

(c) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined by the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation will adopt the National Bridge Inspection Standards (NBIS) established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, or its successor documents, for structures meeting the NBIS definition of a bridge. The commissioner shall establish inspection and inventory standards for structures defined as bridges by section 165.01, subdivision 3.

(b) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Inspections must be made at regular intervals, not to exceed the intervals outlined in subdivision 1a, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or town road, or any street within a municipality that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

(c) The commissioner of transportation shall prescribe the inspection and inventory procedures required to administer the bridge inspection program in Minnesota and has the authority to establish and publish standards that describe the inspection and inventory requirements to ensure compliance with paragraph (a). The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

**Subd. 3. County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (b), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report must identify any deficiency requiring action, including the legal posting of load limits or the need to have a load rating analysis performed, on any bridge or structure that is found to be understrength or unsafe. The report may also contain other recommendations for improving the safety of understrength or unsafe bridges.

**Subd. 4. Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (b), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report must contain recommendations for the correction of or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

**Subd. 5. Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

**Subd. 6. Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (b), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge or culvert have been made at regular intervals, not to exceed the intervals outlined in subdivision 1a. The certification must be accompanied by a report of the inspection. The report must contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

**Subd. 6a. Bridge load rating and posting.** (a) The term "posting" means the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

(b) Each structure required to be inspected under subdivision 2, paragraph (a), must be load rated to determine its safe load carrying capacity, and this rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure or due to additional dead load placed on the structure since the last load rating. Load ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the load rating of a bridge must be indicated on the structure inventory sheet form.

(c) If it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs adopted by the commissioner shall be used for the posting. The owner or highway authority shall post the bridge in accordance with the posted load assigned by the commissioner.

**Subd. 7. Department of Natural Resources bridge.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

(1) the inspection and inventory of bridges subject to federal law or regulations;

(2) the frequency of inspection of bridges described in subdivision 1a; and

(3) who may perform inspections required under the memorandum of understanding.

**Subd. 8. Biennial report on bridge inspection quality assurance.** By February 1 of each odd-numbered year, the commissioner shall submit a report electronically to the members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning quality assurance for bridge inspections. At a minimum, the report must:

(1) summarize the bridge inspection quality assurance and quality control procedures used in Minnesota;

(2) identify any substantive changes to quality assurance and quality control procedures made in the previous two years;

(3) summarize and provide a briefing on findings from bridge inspection quality reviews performed in the previous two years;

(4) identify actions taken and planned in response to findings from bridge inspection quality reviews performed in the previous two years;

(5) summarize the results of any bridge inspection compliance review by the Federal Highway Administration; and

(6) identify actions in response to the Federal Highway Administration compliance review taken by the department in order to reach full compliance.

**History:** 1959 c 500 art 6 s 3; 1969 c 304 s 1; 1973 c 41 s 1; 1973 c 123 art 5 s 7; 1976 c 166 s 7; 1985 c 248 s 70; 1986 c 444; 1989 c 158 s 1; 1994 c 635 art 2 s 5; 1998 c 403 s 12; 2008 c 287 art 1 s 20; 2010 c 350 s 2; 2012 c 287 art 3 s 14; 2014 c 287 s 8

**165.04** MS 1957 [Renumbered 166.04]

**165.04 BRIDGE, CULVERT; WIDTHS.**

Subdivision 1. **Major highway.** Except for railroad-highway grade separations and single lane one directional ramp bridges, and except as hereinafter provided, all bridges and culverts on any trunk highway, county state-aid highway, or municipal state-aid street hereafter established, constructed, or improved shall be at least 24 feet wide between curbs, and approaches thereto shall be at least 28 feet wide shoulder to shoulder. Nothing contained herein shall be construed to prevent the state, counties, or municipalities from performing ordinary repairs or maintenance on any such bridge or culvert less than 24 feet wide between curbs.

Subd. 2. **Extraordinary repair or improvement.** Upon finding it practical to do so, the commissioner may make extraordinary repairs or improvements on existing trunk highway bridges less than 24 feet wide between curbs without widening such bridges. Counties and municipalities may make extraordinary repairs or improvements on major existing bridges less than 24 feet wide between curbs, without widening such bridges, if the plans for such extraordinary repairs or improvements are first approved by the commissioner. A major bridge shall mean a bridge which, together with its approaches, is at least 75 feet in length.

Subd. 3. **Other roads.** Except for railroad-highway grade separations, all bridges, culverts, and approaches thereto on all other roads, except cartways, hereafter established, constructed, or improved shall be at least 20 feet wide, provided that in cases where salvaged material from a steel span bridge removed from a highway can be used in the erection of a steel span bridge on a county highway or town road, such bridge, so to be erected, may be less than 20 feet wide, but before such bridge is erected the plan shall first be approved by the commissioner.

**History:** 1959 c 500 art 6 s 4; 1961 c 218 s 1; 1963 c 293 s 1; 1986 c 444

165.05 MS 1957 [Renumbered 166.05]

**165.05 RAILROAD BRIDGE OVER HIGHWAY.**

Subdivision 1. **Width.** Any railroad bridge hereafter constructed or substantially reconstructed over a public highway including city streets, shall be constructed so as to leave a clear opening for the highway at least four feet wider than the surfaced portion of the highway, but in no event less than 28 feet wide; provided that the requirement that the clear opening for the highway be at least four feet wider than the surfaced portion of the highway may be modified by the commissioner in accordance with plans approved by the commissioner.

Subd. 2. **Clearance between highway and bridge.** Such bridge shall provide at least 16 feet clear space from the surface of the highway to the bottom of the bridge, except that such clear space under any bridge over roads other than those on the state trunk highway system or the interstate highway system shall be not less than 14 feet unless a lesser clear space is approved by the commissioner.

**History:** 1959 c 500 art 6 s 5; 1963 c 242 s 1; 1973 c 123 art 5 s 7; 1986 c 444

165.06 MS 1957 [Renumbered 166.06]

**165.06 HIGHWAY BRIDGE AND APPROACH OVER RAILROAD.**

Subdivision 1. **Width of bridge.** The clear roadway width between curbs on any bridge hereafter constructed on any public highway, including city streets, over the tracks of any railroad shall be at least four feet wider than the surface portion of the highway, but in no event less than 28 feet; provided that the requirement that the width of the bridge be at least four feet wider than the surface portion of the highway

may be modified by the commissioner in accordance with the plans approved by the commissioner; further provided that in the case of bridges hereafter constructed on any town road over the tracks of any railroad the minimum width shall be 20 feet.

Subd. 2. **Bridge approach.** The approaches to the bridge shall be at least eight feet wider than the surfaced portion of the roadway, but not less than 32 feet wide, and the grade of the approach shall not exceed five feet rise in 100 feet, provided that the requirement that the grade of the approach may be modified by the commissioner in accordance with plans approved by the commissioner; provided that in the case of town roads the minimum width of the approaches to the bridge shall be 24 feet. It shall leave a clear space from the railroad rails of at least 22 feet measured vertically.

**History:** 1959 c 500 art 6 s 6; 1967 c 266 s 1; 1973 c 123 art 5 s 7; 1986 c 444

165.07 MS 1957 [Renumbered 166.07]

### 165.07 INTERSTATE BRIDGE.

Subdivision 1. **Purpose.** The purpose of this section is to connect the highway system of this state with the highway system of adjoining states by means of interstate bridges.

Subd. 2. **Interstate bridge as part of highway system.** When any trunk highway, county state-aid highway, or municipal state-aid street leads to or connects with an interstate bridge, other than an interstate bridge owned privately or operated as a toll bridge, the bridge or so much thereof as lies within the boundaries of this state shall be part of the highway or street leading to it.

Subd. 3. **Acquisition of bridge owned by city in adjoining state.** Any road authority, including the road authority of any city having jurisdiction over a highway or street connecting with an interstate bridge owned by an adjoining state or political subdivision thereof, may acquire the bridge or any portion thereof from the adjoining state or political subdivision thereof upon such terms and conditions as the road authority deems just and equitable.

Subd. 4. **Acquisition of toll or privately owned bridge.** Any road authority, including the road authority of any city, having jurisdiction over any highway or street connecting with an interstate bridge that is owned privately or operated as a toll bridge, may acquire the bridge in cooperation with the authorized authorities of the adjoining state connected by the bridge, when the road authority determines that the acquisition is required in the interests of public travel. The bridge may be acquired by purchase, gift, or eminent domain proceedings as provided by law.

Subd. 5. **Cooperation with authorities of adjoining state.** Road authorities, including road authorities of cities having jurisdiction over any highway or street connecting with an interstate bridge shall cooperate with the authorized authorities of the adjoining state connected by the bridge in the maintenance, improvement, or reconstruction of the bridge. If any highway or street runs to boundary waters of this state and an adjoining state where no interstate bridge exists, the road authorities, in cooperation with the authorized authorities of the adjoining state, may construct and thereafter maintain an interstate bridge connecting the highway or street with the highway system of the adjoining state when the road authority determines that the bridge is necessary in the interests of public travel. The location of the bridge shall be determined by the road authority in cooperation with the authorities of the adjoining state.

Subd. 6. **Joint acquisition.** Counties, towns and cities bordering on boundary waters of this state may jointly acquire, construct, reconstruct, improve, or maintain an interstate bridge in cooperation with the authorized authorities of the adjoining state; provided that county state-aid highway funds or municipal

state-aid street funds shall not be expended on interstate bridges other than those connecting with a county state-aid highway or municipal state-aid street.

Subd. 7. **Agreements with authorities of adjoining states.** The road authorities, including the road authorities of cities, may enter into equitable agreements with the authorized authorities of adjoining states in all matters pertaining to interstate bridges.

Subd. 8. **Trunk highway located over bridge.** When any route of the trunk highway system runs into or through any city owning an interstate bridge connecting such city with the highway system of an adjoining state, the commissioner shall specifically locate the route so that it shall run to the state boundary over the bridge.

**History:** 1959 c 500 art 6 s 7; 1973 c 123 art 5 s 7

165.08 MS 1957 [Renumbered 166.08]

### 165.08 BRIDGE OVER WATERS BETWEEN STATES OR NATIONS.

Subdivision 1. **Authority, agreement.** When a trunk highway leads to waters forming the boundary between this state and an adjoining nation or province thereof, and the Congress of the United States has authorized the construction of a bridge or bridges over the waters, the commissioner may enter into equitable agreements with the authorized authorities of the nation or province providing for the purchase, construction, reconstruction, maintenance, repair, and operation of the bridge or bridges, and for the division of costs and responsibilities to be borne by each therefor. The bridge or bridges shall thereafter be constructed, reconstructed, maintained, improved, and operated in accordance with the agreement. Such equitable agreement may create a joint and independent international authority or commission, which may independently purchase, construct, reconstruct, maintain, improve, repair and operate the bridge or bridges in accordance with the agreement.

Subd. 2. **Toll bridge permitted.** The agreement may provide that such bridges may be operated as free bridges or as toll bridges. If the latter, tolls may be collected for the use thereof at rates sufficient to liquidate the capital costs in a reasonable period of time, and after the liquidation of such capital costs, tolls may continue to be charged so as to defer any costs of reconstruction, maintenance, repair, improvement and operation which are thereafter incurred.

Subd. 3. **Acquiring toll bridge owned by Minnesota municipality.** When any trunk highway leads to a toll bridge over boundary waters between this state and an adjoining nation or province, and such bridge is owned by a municipality of this state, the commissioner may purchase such bridge and assume the obligations of any bonds issued for the construction of such bridge and still outstanding at the time of purchase. Such bridge may be purchased under agreement with the adjoining nation or province, or may be purchased in its entirety with trunk highway funds. Upon such purchase, the bridge may be operated as a free bridge or as a toll bridge. If such bridge is operated as a toll bridge, the commissioner may collect tolls for the use of the bridge in such amounts so as to, as nearly as practicable, enable the outstanding bonds to be retired at maturity from the income from such toll charges.

Subd. 4. **Costs and tolls; trunk highway fund.** All costs to be borne by this state of purchasing, constructing, reconstructing, maintaining, improving and operating such bridges, including interest and principal payments of any bond obligations assumed by the commissioner shall be paid out of the trunk highway fund. Minnesota's share of all tolls collected under agreement with an adjoining nation or province, and all tolls collected for any toll bridge purchased entirely by this state shall be paid into the trunk highway fund. Notwithstanding this section or any other provision of law to the contrary, a joint and independent

international authority or commission created under subdivision 1 is authorized to establish, collect, retain and spend all tolls for the purchase, construction, reconstruction, maintenance, improvement, repair and operation of any bridge or bridges under its control, and such international authority or commission is not required to deposit such tolls into the trunk highway fund.

Subd. 5. **Exemptions.** Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of any joint and independent international authority or commission created under subdivision 1, all revenues or other income of any such authority or commission shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

**History:** 1959 c 500 art 6 s 8; 1965 c 256 s 1; 1971 c 678 s 1-4; 1996 c 471 art 1 s 2

165.09 MS 1957 [Renumbered 166.09]

### 165.09 JOINT ESTABLISHMENT OF BRIDGE OVER NAVIGABLE STREAM.

Subdivision 1. **Joint acquisition, construction, and maintenance.** Counties, towns, and cities interested, jointly or separately, may lease, acquire, construct, reconstruct, improve, and maintain bridges over any navigable stream and may construct, reconstruct, and maintain suitable approaches thereto. Such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge.

Subd. 2. **What constitutes interest in bridge.** A county, town, or city shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries.

Subd. 3. **Bridge over Minnesota River or Mississippi River.** Before any bridge is erected over the Minnesota River or Mississippi River, the location and plan thereof shall be approved by the commissioner.

Subd. 4. **Draws opened on reasonable signal.** All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Subd. 5. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 6. **Securing free public use of toll bridge.** Counties, towns, and cities interested may secure the free public use of any toll bridge built across any stream in this state. They may secure the free public use of any bridge by purchase, gift, or eminent domain proceedings as provided by law.

**History:** 1959 c 500 art 6 s 9; 1973 c 123 art 5 s 7; 2014 c 227 art 1 s 9

165.10 MS 1957 [Renumbered 166.10]

### 165.10 BONDS.

Subdivision 1. **Certain counties may issue and sell.** The county board of any county having no outstanding road and bridge bonds may issue and sell county road bonds in an amount not exceeding 0.12089 percent of the estimated market value of the taxable property within the county, for the purpose of constructing, reconstructing, improving, or maintaining any bridge or bridges on any highway under its jurisdiction, without submitting the matter to a vote of the electors of the county.



Subd. 2. **Bonds issued, sold, and retired.** Such bonds shall be general obligations of the county and issued, sold, and retired in the manner provided in chapter 475.

**History:** 1959 c 500 art 6 s 10; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1990 c 480 art 9 s 7; 2001 c 214 s 2; 2013 c 143 art 14 s 22

165.11 MS 2012 [Repealed, 2014 c 227 art 1 s 23]

## 165.12 MAINTENANCE OF BRIDGE ON TOWN ROAD.

Subdivision 1. **Authority of county when town fails.** (a) Notwithstanding any law to the contrary, a county has the following authority regarding town bridges within its jurisdictional boundaries.

(b) When it becomes necessary to reconstruct or repair a bridge on any town road in any town or upon any town line in this state, and the bridge is unsafe for travel or has been condemned by the proper authorities, and the town or towns charged with the duty of maintaining the bridge fail, neglect, or omit to construct, reconstruct, or repair the same or provide for the expense or cost of so constructing, reconstructing, or repairing the same, as identified in the report provided to the town or towns under section 165.03, subdivision 3, the county board of the county in which the town or towns are located shall have the power and authority to reconstruct and repair the bridge upon giving notice to the town board of the town or towns of its intention to do so and fixing a time and place for a hearing as to the necessity and advisability of the reconstruction or repair.

(c) If a load rating analysis is required and has not been performed within 90 days of the date the report required in section 165.03, subdivision 3, was delivered to the town, the county is authorized to perform the analysis. Before it performs an analysis on a town bridge, the county shall notify the town or towns that if the town or towns do not perform the analysis within 90 days the county will perform the analysis and bill the town or towns for all related expenses. If the town performs the analysis, a copy shall be provided to the county engineer. If the county performs the analysis, a copy shall be provided to the town clerk.

(d) If a load rating analysis determines a new or different load posting is required on a town bridge, the town or towns charged with the duty of maintaining the bridge shall provide the required posting within 30 days. If the town or towns fail to provide the required posting, the county is authorized to provide the required posting. Before posting a load limit on a town bridge, the county shall notify the town or towns that if the town or towns do not provide the posting within 30 days the county will provide the required posting and bill the town or towns for all related expenses, unless the town or towns and the county agree to post the bridge in less than 30 days and at an agreed-upon cost.

(e) If a bridge constitutes a critical risk to public safety because its deficiencies, if not immediately corrected, could result in collapse or partial collapse, the county engineer is authorized to immediately close the bridge. The bridge shall remain closed until the necessary steps are taken to remove the threat of collapse or partial collapse, or until a subsequent inspection determines the issues resulting in closure are resolved. The county may bill the town or towns for all related expenses.

(f) A county is not liable for a town's or towns' failure to act as required by this section or section 165.03.

Subd. 2. **Itemized statement.** When any county shall have reconstructed or repaired any such bridge, the county board shall prepare an itemized statement of the cost thereof. The original shall be filed with the county auditor. Certified copies shall be filed with the clerk of the town or towns charged with the responsibility of maintaining the bridge. If two or more towns were responsible for the bridge the statement shall also show the portion of the cost apportioned to each town. The proportion of the cost to be apportioned to each town shall be determined at the hearing provided in subdivision 1.

Subd. 3. **Special tax.** The town clerk, upon receipt of the statement, shall forthwith notify the several members of the town board that a statement has been filed, and that a meeting of the town board to act thereon will be held at a time and place specified in the notice. The meeting shall be held not later than ten days after the filing of the statement. The town board shall meet at the time and place specified in the notice so given by the clerk, and shall levy a special tax upon all the taxable property of the town in an amount sufficient to pay one-half of the amount expended by the county. If two or more towns were responsible for the bridge, each town shall levy a tax in an amount sufficient to pay one-half of the cost apportioned to it.

Subd. 4. **County auditor may levy if town board fails to levy.** The tax so levied shall be certified to the county auditor on or before October 15 next succeeding, and the county auditor shall extend the same with other town taxes upon the tax list of the town. If the town board, for any reason, fails to act as herein provided, the county auditor shall levy the tax provided herein and shall extend the same with other town taxes upon the tax list of the town.

Subd. 5. **Collection and payment.** The tax shall be collected and the payment enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected the tax shall be paid into the county treasury and credited to the county road and bridge fund.

**History:** 1959 c 500 art 6 s 12; 2014 c 287 s 9

**165.13** MS 2012 [Repealed, 2014 c 227 art 1 s 23]

#### **165.14 TRUNK HIGHWAY BRIDGE IMPROVEMENT PROGRAM.**

Subdivision 1. **Definition.** For purposes of this section, "program" means the trunk highway bridge improvement program established under this section.

Subd. 2. **Program created.** The commissioner shall develop a trunk highway bridge improvement program for accelerating repair and replacement of trunk highway bridges throughout the state. The program receives funding for bridge projects as specified by law.

Subd. 3. **Program requirements.** (a) The commissioner shall develop an inventory of bridges included in the program. The inventory must include all bridges on the trunk highway system in Minnesota that are classified as fracture critical or structurally deficient, or constitute a priority project, as identified by the commissioner. In determining whether a bridge is a priority project, the commissioner may consider national bridge inventory (NBI) condition codes, bridge classification as functionally obsolete, the year in which the bridge was built, the history of bridge maintenance and inspection report findings, the average daily traffic count, engineering judgments with respect to the safety or condition of the bridge, and any other factors specifically identified by the commissioner.

(b) For each bridge included in the inventory, the commissioner must provide the following information: a summary of the bridge, including but not limited to, county and department district, route number, feature crossed, the year in which the bridge was built, average daily traffic count, load rating, bridge length and deck area, and main span type; the condition ratings for the deck, superstructure, and substructure; identification of whether the bridge is structurally deficient, functionally obsolete, or fracture critical; the sufficiency rating; a brief description of the work planned for the bridge, including work type needed; an estimate of total costs related to the bridge, which may include general and planning cost estimates; and, the year or range of years in which the work is planned.

Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless the commissioner identifies a reason for proceeding otherwise, before commencing bridge projects in a lower tier, all bridge projects within a higher

tier must to the extent feasible be selected and funded in the approved state transportation improvement program, at any stage in the project development process, solicited for bids, in contract negotiation, under construction, or completed.

(b) The classification of each tier is as follows:

(1) tier 1 consists of any bridge in the program that (i) has an average daily traffic count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is identified by the commissioner as a priority project;

(2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as fracture critical, or (ii) has a sufficiency rating that is at or below 80; and

(3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

(c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program must be under contract for repair or replacement with a new bridge that contains a load-path-redundant design, except that a specific bridge may remain in continued service if the reasons are documented in the report required under subdivision 5. Bridges that are not originally included in the program and additional bridges identified for contract after the trunk highway bridge improvement program concludes on June 30, 2018, must be prioritized according to subdivision 7.

(d) All bridge projects funded under this section in fiscal year 2012 or later must include bicycle and pedestrian accommodations if both sides of the bridge are located in a city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

Bicycle and pedestrian accommodations would not be required if:

(1) a comprehensive assessment demonstrates that there is an absence of need for bicycle and pedestrian accommodations for the life of the bridge; or

(2) there is a reasonable alternative bicycle and pedestrian crossing within one-quarter mile of the bridge project.

All bicycle and pedestrian accommodations should enable a connection to any existing bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian facilities must meet or exceed federal accessibility requirements as outlined in Title II of the Americans with Disabilities Act, codified in United States Code, title 42, chapter 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United States Code, title 29, section 794.

(e) The commissioner shall establish criteria for determining the priority of bridge projects within each tier, and must include safety considerations as a criterion.

**Subd. 5. Statewide transportation planning report.** In conjunction with each update to the Minnesota statewide transportation plan, or at least every six years, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance. The report must include:

(1) an explanation of the criteria and decision-making processes used to prioritize bridge projects;

(2) a historical and projected analysis of the extent to which all trunk highway bridges meet bridge performance targets and comply with the accessibility requirements of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;

(3) a summary of bridge projects (i) completed in the previous six years or since the last update to the Minnesota statewide transportation plan, and (ii) currently in progress under the program;

(4) a summary of bridge projects scheduled in the next four fiscal years and included in the state transportation improvement program;

(5) a projection of annual needs over the next 20 years;

(6) a calculation of funding necessary to meet the completion date under subdivision 4, paragraph (c), compared to the total amount of bridge-related funding available; and

(7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an explanation of the reasons for repair instead of replacement.

Subd. 6. **Annual report.** Annually by January 15, the commissioner shall submit a report on the program to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance. The report must include the inventory information required under subdivision 3, and an analysis, including any recommendations for changes, of the adequacy and efficacy of (1) the program requirements under subdivision 3, and (2) the prioritization requirements under subdivision 4.

Subd. 7. **Prioritization of subsequent trunk highway bridge projects.** The trunk highway bridge improvement program described in subdivisions 1 through 6 concludes on June 30, 2018, and applies to bridge projects identified at the inception of the program. Additional bridges that did not qualify for the initial trunk highway bridge improvement program under the tiered classification system that may subsequently need repair or replacement must be prioritized as follows:

(1) the commissioner shall develop a prioritization method for scheduling bridge repairs and replacements that will include consideration of the risk of service interruption resulting in temporary road closures or restrictions of existing bridges;

(2) the prioritization system must consider factors including but not limited to bridge condition, age, load capacity, type of bridge, susceptibility to flood damage, fracture-critical design features, traffic volume, detour length, and functional classification of highway route;

(3) the prioritization system must be utilized in conjunction with department knowledge of the bridge infrastructure to establish the repair and replacement program; and

(4) the commissioner shall establish a risk-based prioritization system no later than February 1, 2011.

**History:** 2008 c 152 art 6 s 5; 2010 c 205 s 1,2; 2010 c 351 s 13,14

### **165.15 STILLWATER LIFT BRIDGE ENDOWMENT ACCOUNT.**

Subdivision 1. **Account established.** The Stillwater lift bridge endowment account is established in the state treasury. The account may consist of appropriations made by the state of Minnesota or Wisconsin and may include federal funds. The account may also receive private contributions, gifts, or grants under section 16A.013. Any interest or profit accruing from investment of these sums is credited to the account.

Subd. 2. **Use of funds.** (a) Income derived from the investment of principal in the account may be used by the commissioner of transportation for operations and routine maintenance of the Stillwater lift bridge, including bridge safety inspections and reactive repairs. No money from this account may be used for any purposes except those described in this section, and no money from this account may be transferred to any

other account in the state treasury without specific legislative authorization. Any money transferred from the trunk highway fund may only be used for trunk highway purposes. For the purposes of this section:

(1) "Income" is the amount of interest on debt securities and dividends on equity securities. Any gains or losses from the sale of securities must be added to the principal of the account.

(2) "Routine maintenance" means activities that are predictable and repetitive, but not activities that would constitute major repairs or rehabilitation.

(b) Investment management fees incurred by the State Board of Investment are eligible expenses for reimbursement from the account.

(c) The commissioner of transportation has authority to approve or deny expenditures of funds in the account.

Subd. 3. **Appropriation.** Income derived from the investment of principal in the account is appropriated annually to the commissioner of transportation for the purposes described in this section.

Subd. 4. **Financial compliance.** The commissioner of transportation shall ensure that the account complies with the regulations in OMB circulars A87, Cost Principles for State, Local and Indian Tribal Governments, and A122, Cost Principles for Non-Profit Organizations, of the United States Office of Management and Budget (OMB).

Subd. 5. **Investment.** The State Board of Investment, in consultation with the commissioner of transportation, shall invest money in the account under section 11A.24.

Subd. 6. **Demolition.** If the commissioner determines, in consultation with the State Historic Preservation Office, that it is necessary to demolish the Stillwater lift bridge, the principal in the account may be spent to pay for demolition of the bridge, and is appropriated to the commissioner of transportation only for that purpose, except that only funds originally contributed by the state or federal government can be used to pay for demolition. Any money remaining in the account after demolition must be used to pay for the preservation of other historic bridges in consultation with the State Historic Preservation Office.

Subd. 7. **Audits.** The account is subject to audit by the legislative auditor.

Subd. 8. MS 2016 [Repealed, 1Sp2017 c 3 art 3 s 144]

**History:** 2009 c 36 art 3 s 5; 2014 c 312 art 11 s 2