

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT OFFICE OF HEARING EXAMINERS

Office Memorandum

TO : GORDON M. FAY
State-Aid Engineer

DATE: June 23, 1980

FROM : DUANE R. HARVES
Chief Hearing Examiner

PHONE: 6-8100

SUBJECT: DOT-80-025-GD PROPOSED ADOPTION OF AMENDED RULES FOR STATE-AID OPERATIONS

Enclosed please find the Order of the Chief Hearing Examiner in the above-referenced matter together with the original file which was submitted to me on June 10th.

As per the information you provided me by telephone, I additionally reviewed those sections of the rule wherein you forgot to change the word "ninety" to "ninety-five" and in those instances where you proposed to make the changes, I have not found that they would make substantial changes in the rules requiring a new hearing. Further, as per our discussion, the changes you discussed with me over the telephone relating to the items enumerated in my enclosed Order would not be changes I would find to be substantial changes and that those changes certainly clarify the intent of the rules and would make them specific. Thus, if those changes are made as you proposed, you need not resubmit the rules for my review.

If you have any questions, please do not hesitate to call.

DRH:sh
Encs.
cc: Kenneth Bjork
Joanne Hinderaker

RECEIVED
JUN 23 19
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

DOT-80-025-GD

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF AMENDMED RULES FOR STATE-AID OPERATIONS UNDER MINNESOTA STATUTES 1978, CHAPTERS 161 AND 162, AS AMENDED) 14 MCAR § 1.5032.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, the above-entitled matter was heard before State Hearing Examiner George Deretich on April 17, 1980, following which the Hearing Examiner issued his report on May 23, 1980; and

WHEREAS, by Order of Richard P. Braun, Commissioner, dated June 10, 1980, the Department of Transportation (hereinafter "Department") proposes to adopt the rules as recommended by the Hearing Examiner with modifications; and

WHEREAS, on June 10, 1980, pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.110, the Department submitted the rules to the Chief Hearing Examiner for his review, which review includes the issues of substantial changes in the rules and compliance with the provisions of Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Chief Hearing Examiner, having completed the aforementioned rule review, finds that the changes in the rules as submitted, after considering the elements contained in Rule 9 MCAR § 2.111, are not substantially different from the rules as proposed; and

WHEREAS, the Chief Hearing Examiner finds that the Department has met the requirements of Minn. Stat. § 15.0412, subd. 4, except as herein enumerated:

Minn. Stat. § 15.0412, subd. 4, provides in part that the agency must fulfill any relevant substantive requirement imposed on the agency by law or rule. Minn. Stat. § 15.0412, subd. 3, a substantive law, defines the term "rule" as every "agency statement of general applicability and future effect,... made to implement or make specific the law enforced or administered

by" the agency (emphasis added). The use of the word "may" or other similar words or phrases gives an agency discretion to act, not act, or add unstated criteria or standards to its decision-making process, thus failing to make the rule specific as required. Thus, a finding is necessitated that the Department has failed to fulfill a substantive requirement imposed on it by law as required by Minn. Stat. § 15.0412, subd. 4, in the following sections of Rule 14 MCAR § 1.5032:

E.3. (page 10, adopted rules): The word "may" has been inserted for the word "shall" in this rule, giving the commissioner the option to not approve a local recommendation. The old language, "shall" was specific and nondiscretionary and must be reinstated.

G.4.g. (page 39): The use of the word "may" allows the commissioner the option of not transferring the designated funds even if the local unit has fully complied with all criteria. The word "shall" must be inserted in lieu of the word "may".

K.2.a.(1)(a) and (b) (pages 65-66): In both instances, if the local unit of government has fully complied with all requirements of traffic control signals, the District State Aid Engineer and the State Aid Engineer could still refuse to approve the plans. The word "shall" must be substituted for the word "may".

M.4.b.(2)(g.) (page 77): This provision gives the commissioner absolute discretion to consider any and all other considerations he may desire without any standards or criteria by which the discretion will be exercised. It must either be removed in its entirety or "other considerations" be defined or limited by criteria or standards.

NOW, THEREFORE, based on the foregoing and pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.111, the Department shall either withdraw the provisions of the rules detailed above or reconvene the rules hearing. If the Department withdraws the rules discussed above or otherwise amends them in a nonsubstantial fashion, the Department shall

have the responsiblity of filing the complete hearing record and those rules as adopted with the Attorney General, notifying all persons who requested to be informed that the record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4.

Dated this 23rd day of June, 1980.

DUANE R. HARVES
Chief Hearing Examiner

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD P. BRAUN
Commissioner

Attn: JOHN R. MURPHY

DATE: July 16, 1980

FROM : JERRY ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Rules as Approved In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JA/bw
Enclosure
cc: Duane Harves
Susan Robertson

Our File #611

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 6/27 DUE DATE 7/17

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved 7/14 Date Sent Back to Agency 17

---

1. Rules as Adopted ✓
2. Rules as Proposed ✓ attached to Notice of Hearing
3. Certificate of Board's Authorizing Resolution, where applicable N/A
4. Order for Hearing ✓
5. Notice of Hearing ✓ 4.12.80
   Sufficiency ✓
6. Secretary of State's List ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List ? not notarized
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ one copy only submitted
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓ incorporated in Order Adopting
14. Certificate of Board's Resolution Adopting Rules, where applicable N/A
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓
20. Petition by Public, where applicable N/A

AG Copy

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended.	ORDER ADOPTING RULES

The above-entitled matter came on for hearing before George Deretich, Hearing Examiner, acting for the Commissioner of Transportation on the 17th day of April, 1980 at 10:00 A.M. in Room 81 of the Minnesota State Office Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

FINDINGS OF FACT

1. The Report of the Hearing Examiner was transmitted to and received by the Commissioner of Transportation within the thirty day time period specified in Minn. Stat. § 15.0412, subd. 4 (1978); which report and its findings, conclusions and recommendations are hereby adopted in their entirety.

2. It is hereby found that Minn. Laws 1980, ch. 464 § 6 and 7 amended Minn. Stat. § 162.04 and 162.10 to provide that a county or city shall agree to pay a stateaid contractor ninety-five percent of the value of the work accomplished, and, unless otherwise determined by the governing body -the retained amount is to be withheld until the contract is completed.

   Since Minn. Stat. §§ 162.07, 162.08, subd. 2, and 162.14, subd. 1 (1978) provide that monies apportioned to counties and cities should be apportioned out of their respective county or municipal state-aid street fund in accordance with rules not inconsistent with the mentioned subdivisions, it becomes necessary to change the rules appearing at 14 MCAR § 15.5032, G.2., a. and c. (Construction Apportionments; "State-Aid contracts," and "Force account agreements").

Similar language requiring these rules to be consistent with Minnesota Statutes appears in Minn. Stat. §§ 162.02, subd. 1, and 162.09, subd. 1 (1978).

Since no rule may be inconsistent with Minnesota Statutes, these rules are therefore ordered to be corrected to reflect the percentage figure established in Minn. Laws 1980, ch. 464 § 6 and 7.

NOW THEREFORE, after affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules and the reasonableness thereof, it is ordered that these rules identified as "Rules for State-Aid Operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended" are adopted this 10th day of June, 1980, pursuant to authority vested in me by Minn. Stat. §§ 15.0412, 162.02, and 162.09 (1978).

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Richard P. Braun
Commissioner

Subscribed and sworn to before me this 10th day of June, 1980.

Colette E. Prokop
Notary Public

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

Ramsey County, Minnesota.
My Commission expries 9-13-86.

Amendments as Adopted

14 MCAR § 1.5032 Rules for State-Aid operations under Minn. Stat. 1978, Chs. 161 and 162, as amended.

A. Purpose. The purpose of 14 MCAR § 1.5032 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minn. Stat., Ch. 162, (1978) as amended.

B. Scope. The scope of 14 MCAR § 1.5032 is confined within the framework of and consistent with Minn. Stat., Chs. 161 and 162, (1978) as amended.

C. Definitions. For purposes of 14 MCAR § 1.5032 the following terms shall mean:

1. Commissioner. The Commissioner of Transportation.

2. State-Aid Engineer. A registered engineer employed as the State-Aid engineer of the Minnesota Department of Transportation.

3. District Engineer. A district engineer of the Minnesota Department of Transportation or a registered engineer employed as his State-Aid assistant.

4. County Engineer. A registered engineer employed as the county engineer or the director of public works-county engineer of each county.

5. City Engineer. A registered engineer employed as the city engineer or the director of public works-city engineer of each urban municipality.

6. Needs Report. A report of the estimated construction cost required to improve a State-Aid system to standards adequate for future traffic on a uniform basis.

7. County-Municipal Account. A separate record of that portion of the County State-Aid highway funds allocated for expenditure solely within cities, having less than 5,000 population.

8. Urban Municipality. Any city, having 5,000 or more population, determined in accordance with the provisions of law.

9. Local Highway or Street Departments. The highway or appropriate department of each county and each urban municipality.

10. Township Allotment. The county apportionment of County State-Aid highway funds for use in the construction of township roads.

11. Advance Encumbrance. The authorized expenditure of local funds, in lieu of State-Aid funds, by a county or municipality for use on an approved State-Aid project. By agreement with the commissioner, the local 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.

12. Screening Committee. The county or municipal committee, appointed in accordance with law, and authorized to recommend to the commissioner the mileage and money needs for each of their State-Aid systems.

13. Diaster Account. The accounts provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its County State-Aid highway system or Municipal State-Aid street system from fire, flood, tornado

other uncontrollable force of such proportion that the cost of repairs to such County State-Aid highway system or Municipal State-Aid street system is beyond the normal resources of the county or urban municipality.

14. Trunk Highway Turnback. A former trunk highway or portion thereof that has reverted to a county or municipality in accordance with law.

15. Turnback Accounts. The respective accounts provided by law for payment to the county for the restoration of or to the urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the State-Aid system.

16. Disaster Committee. A committee, appointed in accordance with the law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its County State-Aid highway or Municipal State-Aid street system and resulting in a financial hardship.

17. Local Road Research Board. A board appointed in accordance with these rules to recommend specific research projects to the commissioner.

18. Town Bridge Needs. The estimated construction costs required to improve or replace town bridges to standards adequate for future traffic on a uniform basis.

19. Town Bridge Account. The apportionment of County State-Aid turnback funds for use in the construction or reconstruction of bridges on township roads.

20. Functional Classification Plan. A plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.

21. Variance Committee. A committee appointed in accordance with these rules to investigate and make recommendations to the commissioner on requests for variances from these rules.

D. Organization and Powers of Local Highway Departments. Each county and each urban municipality shall establish and maintain a highway or street department. Such departments shall be adequately organized, staffed, and equipped to administer for the county or urban municipality all matters relating to the operations of the State-Aid program and to exercise all functions, incidental thereto, in accordance with law. All preparation of plans and specifications, and the supervision of construction and maintenance shall be under the control and direction of a professional engineer, registered in the State of Minnesota and employed or retained for that purpose.

E. Selection and Designation of State-Aid Systems. The State-Aid highways and streets designated to form the basis for a long range improvement program shall, in general, be so selected as to form an integrated network of highways and streets in accordance with the following provisions:

1. Systems.

   a. Final selection of routes to be included in the respective County State-Aid and Municipal State-Aid systems

shall be subject to the approval of the commissioner.

b. The highway and street systems to be selected and designated in accordance with law are:

(1) County State-Aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage.

(2) Municipal State-Aid Street system not exceeding 2500 miles in extent within urban municipalities, excluding trunk highway turnback mileage.

(a.) On 28' undivided one-way streets with no parking lanes, the chargeable mileage allowed for municipal state aid street mileage purposes shall be one-half of the length of the one-way street.

2. Criteria. State-Aid routes shall be selected on the basis of the following criteria:

a. County State-Aid highways which:

(1) Carry relatively heavier traffic volumes or are functional classified as collector or arterial as identified on the county's functional plans as approved by the county board;

(2) And connect towns, communities, shipping points, and markets within a county or in adjacent counties;

(a) Or provide access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas;

(b) Or serve as principal rural mail routes and school bus routes;

(3) And occur at reasonable intervals consistent with the density of population;

(4) And provide an integrated and coordinated highway system, affording within practical limits a State-Aid highway network consistent with traffic demands.

b. Municipal State-Aid streets which:

(1) Carry relatively heavier traffic volumes or are functionally classified as collector or arterial as identified on the urban municipality's functional plan as approved by the urban municipality's governing body;

(2) And connect the points of major traffic interest within an urban municipality;

(3) And provide an integrated street system affording within practical limits a State-Aid street network consistent with traffic demands.

3. Route Designations. All County State-Aid highways and Municipal State-Aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. ~~Within three-months-after-receipt-by~~ The commissioner after receipt of each such resolution and recommendation ~~he~~ shall approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria ~~and-other-requirements~~ set out in these rules. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of ~~their-resolution~~ the highway or street designation. All highways or streets so approved shall become a part of the County State-Aid highway system or the Municipal State-Aid street system, subject to such additions or revisions as may be, from time to time, requested and approved.

change per CHE p.2 see HE 8

a. 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 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 with turnback funds. Upon a request for the designation of such eligible portions 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 committee of this action.

see HE 9

F. State-Aid Apportionments. All State-Aid apportionments shall be made from the County State-Aid highway fund and the Municipal State-Aid street fund as provided by law. Apportionments to the respective counties and urban municipalities shall be released in accordance with 14 MCAR § 1.5032 G.

1. Money Needs.

a. Construction Costs Estimates. To provide data to implement the formulas for State-Aid apportionment, each county engineer and city engineer shall prepare cost estimates of construction required to improve his County State-Aid or Municipal State-Aid system to approved standards.

b. Incidental Costs. In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

(1) County State-Aid highways:

(a) Automatic traffic control signals.

(b) Lighting of intersections and bridges within approved standards.

(c) Proportionate share of all drainage costs within municipalities, to reflect the responsibility of the State-Aid highway.

(2) Municipal State-Aid streets:

(a) Right-of-Way.

(b) Automatic traffic control signals.

(c) Lighting of intersections and bridges within approved standards.

(d) Proportionate share of all drainage costs, to reflect the responsibility of the State-Aid street.

c. Deductible Items. The respective screening committees shall consider reports from the commissioner, consisting of, but not limited to, the County State-Aid allotments to townships, or the Municipal State-Aid payments on state trunk highways or County

State-Aid highways, covering all said allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each such county or municipality, in order to equalize their status with other counties or municipalities not making similar expenditures.

2. Screening Committees.

a. Annual Reports. A detailed report of the State-Aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures listed under deductible items, and shall, on or before the first day of November of each year, submit their findings and recommendations in writing to the commissioner as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees.

b. Local Road Research Account. Within the limitations provided by law, the respective screening committees shall annually determine, and recommend, the amount the commissioner shall set aside from the County State-Aid highway fund or the Municipal State-Aid street fund, for the purpose of local road research. These funds, along with such Federal funds as may be provided, shall be used for conducting research as provided by law. The use and proportionate share of such county and municipal funds shall be as specifically authorized in the project approval as provided for in 14 MCAR § 1.5032 L., 3.,b.

3. Compilation of Data by Commissioner. The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

4. Notice of Annual Apportionment. Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

G. State-Aid payments. Annual apportionments to the respective counties and to urban municipalities shall be released in the following manner:

1. Maintenance Apportionments. As soon as the annual county and urban municipal State-Aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

a. County - Regular Account. Forty percent of the regular County State-Aid allotment for the general maintenance of County State-Aid highways.

b. County - Municipal Account. Forty percent of the County-Municipal Account allotment for the maintenance of the County-State-Aid highways within municipalities of less than 5,000 population.

c. Revisions of county maintenance apportionments. The commissioner may, upon recommendation of the screening committee or upon receipt of a resolution from a county board

and for good cause shown, increase or decrease the proportion to be used for maintenance under either 14 MCAR § 1.5032 G., 1., a. and/or b. above.

d. Urban Account. Twenty-five percent of the total allocation, or $1,500.00 per mile of improved municipal State-Aid streets, whichever is the least, as the minimum allotment for the general maintenance of the approved State-Aid system. The commissioner may modify the minimum payment to the extent necessary to accommodate the screening committee resolutions pertaining to trunk highway turnback maintenance allowances. Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

e. Transfer of Unexpended Balance. Any unobligated balance remaining

in the State-Aid maintenance account to the credit of any county or urban municipality, after final settlement has been made for the annual maintenance expenditures, shall be automatically transferred to the construction account of said county or municipality.

f. 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:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. Such request shall include the estimate of the maintenance expenditures

anticipated within said account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

g. 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 forty percent of the total maintenance allocations. The commissioner shall retain the remaining amounts within said allocations pending determination of the final amount due, based upon a report of actual maintenance expenditures and receipt of the district engineer's certification of acceptable maintenance performance. Urban municipalities receiving the minimum maintenance allotment as outlined in 14 MCAR § 1.5032 G., 1., d. above will be eligible to receive the balance remaining in their maintenance account upon the commissioner's receipt of the district engineer's certification of acceptable maintenance.

2. Construction Apportionments. The construction portion of the annual allocation to each county and urban municipality shall be credited to their respective accounts and retained by the Commissioner for payment on approved projects in accordance with the following procedure:

a. State-Aid Contracts. The Commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, shall promptly release from the funds available to said county or urban municipality up to ~~ninety~~ ninety-five percent of the State-Aid portion of said contract. The commissioner, unless otherwise requested, shall retain the remaining percentage of the State-Aid share of said contract, provided funds are available therefor, until the final cost is determined and the project accepted by the district engineer.

see F. of F 2 re change

b. Federal-Aid Contracts. The commissioner, under authority of an agency agreement with the governing body of a county or urban municipality, and acting as its agent in Federal-Aid operations, will release from State-Aid funds available therefor, ~~ninety~~ ninety-five percent of the county's or urban muncipality's share of the entire contract obligation for immediate redeposit in an agency account, to be used in paying the county's or urban municipality's share of the partial estimates and for advancing the federal share of such estimate payments. The commissioner shall retain the remaining percentage of the contract cost of said project until the final cost is determined and the project accepted by the district engineer. Where other than State-Aid funds are to be used for depositing in the agency account, one hundred percent of the local governmental share of said contract amounts shall be deposited in the agency account prior to award of the contract.

see F. of F 2.

c. Force Account Agreements. Partial estimates will be accepted on all projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor ~~ninety~~ ninety-five percent of the cost of current accomplishments as reported by said partial estimates. Upon request of the county or urban municipality, the commissioner will set aside and retain their State-Aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when final estimate is submitted and upon acceptance by the district engineer.

see F. of F2 rechange

d. Payment Limitations. Approval of State-Aid projects by the Commissioner does not imply that State-Aid payments will be made in excess of the construction funds available from current State-Aid allotments. Any county or urban municipality having depleted their currently available funds during the calendar year

will not be eligible for reimbursement from future allotments unless request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

e. Engineering Costs.

(1) Preliminary Engineering. Requests for reimbursement of preliminary engineering costs shall be submitted with the report of State-Aid contract or with the initial partial estimate on an approved force account project. The commissioner shall upon receipt of such request supplemented by such documentation as may be requested by the commissioner authorize the reimbursement for actual engineering costs, not to exceed eight percent of the total estimated contract or agreement amount.

(2) Construction Engineering. Requests for payment of construction engineering costs shall be submitted along with the final estimate report. The commissioner shall upon receipt of such request, authorize a construction engineering payment which will either be limited to five percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's discretion be paid in the maximum amount of ten percent of said construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

f. Right-of-Way. State-Aid payments for right-of-way costs on approved projects shall be limited to ~~ninety~~ ninety-five percent of the approved claim until the acquisition of all right-of-way required for the project is actually completed and the final costs established.

see F. of F 2

g. Advances from County Funds. When the commissioner approves a request from the county board for the construction of an approved County State-Aid project, which requires County State-Aid highway funds in excess of the available allotment and which excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction apportionments to the county's State-Aid accounts in accordance with the terms and conditions specified in the approved request.

h. Advance of County State-Aid Highway Funds. Advance of County Regular Account Funds to County Municipal Account Fund. Where the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved County State-Aid highway

project, and where repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, such repayments will be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.

i. Advances from Urban Municipal Funds. When the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved Municipal State-Aid street project, which requires funds in excess of the available allotment and which excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these locally financed expenditures out of subsequent construction apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

j. County or Municipal Bond Account. Any 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, construction, reconstructing or improving State-Aid streets or highways under its jurisdiction shall certify to the commissioner within thirty 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 therefor, itemizing the total amount of principal and interest involved and he 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 maintenace fund to pay the current interest. 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 intends to expend bond funds on a specific State-Aid project shall notify the commissioner of this intent forthwith upon the award of contract or the execution of a force account agreement. Upon completion of each such project, a statement of final construction costs shall be furnished to the commissioner by the county or the urban municipality.

k. Municipal State-Aid Funds for County State-Aid or Trunk Highway Projects. The governing body of an urban municipality desiring to use a portion of its State-Aid funds for improvements within its boundaries of any state trunk highway or County State-Aid highway, shall request such authorization by resolution. Before any such funds are released for said purposes, the resolution shall be approved by the commissioner. A copy of the approved resolution shall

be filed with the State-Aid engineer. This subparagraph does not apply to payments made for interest on bonds sold under Laws of Minnesota 1959, Chapter 538.

3. Semi-annual statements. Within thirty days after the close of each six month period, the commissioner shall submit to each county or urban municipality semi-annual statements as to the status of its respective State-Aid accounts.

4. Other authorized payments. Certain specific allotments or transfers of State-Aid funds have been authorized by law. These will be processed as hereinafter provided:

   a. Transfers for Hardship Conditions or Other Local Use. The county board or governing body of any urban municipality desiring to use a part of its State-Aid funds for this purpose shall certify to the commissioner either that all of its existing State-Aid routes are improved to State-Aid standards or that it is experiencing a hardship condition in regard to financing its local roads or streets,

while holding its current road and bridge levy equal to or greater than said levy for previous years. Where a hardship transfer is requested, the commissioner may require fiscal information showing the extent of the financial deficiency. Within thirty days of the receipt of a request for transfer, the commissioner shall act to authorize or deny the transfer of State-Aid funds for use outside of the approved State-Aid system. Upon approval of the requested transfer, the commissioner without requiring any progress reports, shall within thirty days, authorize immediate payment of not less than fifty percent of the total amount authorized, with the balance to be paid within ninety days; or schedule immediate payment of the entire amount authorized if he determines there are sufficient funds available.

b. Township Allotments. Upon receipt of a certified copy of a county board resolution, allocating a specific amount of its County State-Aid construction funds for aid to its townships, which resolution shall indicate

compliance with the [redacted] governing such allocations and be forwarded to the commissioner on or before the second Tuesday of January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

c. Construction of Selected Park Projects. As provided by law, a portion of the County State-Aid highway funds shall be set aside and used for the construction, reconstruction and improvement of County State-Aid highways which provide access to the headquarters of or the principal parking lot located within a state park. Such funds, so set aside, ~~may~~ shall be expended for this purpose only on a request from the Commissioner of Natural Resources. Projects so selected will be approved by the Commissioner of Transportation in accordance with the procedure established for other State-Aid operations.

d. Disaster Account. Any disaster appropriation approved by the Commissioner for a county or urban municipality in accordance with law, shall be promptly paid to the county or urban municipality for which such appropriation was authorized. The funds so allotted and paid to the county or urban municipality can only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Forthwith upon completion of the work for which the disaster payment was made, or the expiration of the time specified for doing such work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed, and showing the total expenditure made therein. In the event the total disaster allotment was not required or used for the purpose specified, the remainder shall be promptly returned to the commissioner for redeposit in the County State-Aid highway fund or the Municipal State-Aid street fund, as the case may be,

and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual State-Aid allotment to the county or urban municipality before the commissioner shall authorize the disaster committee to inspect the disaster area.

e. Research Account. County and Municipal State-aid funds that may be annually allocated to the research account shall be used solely for those research projects recommended by the local road research board and approved by the commissioner. Unexpended balances in this account shall at the end of each year be transferred back to the State-Aid fund from which they were obtained.

f. Turnback Accounts. A percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate accounts in the County State-Aid highway fund and the Municipal State-Aid street

fund, and respectively identified as the county turnback account and the municipal turnback account. Further, a percentage of the county turnback account has been set aside and shall be used for replacement or reconstruction of town bridges 10 feet or more in length, in those counties that have two or more towns, pursuant to law. This latter account shall be known as the county town bridge account.

(1) Town Bridge Monies Allocation. The sums of monies set aside for town bridges shall be allocated to the eligible counties on the basis of town bridge needs.

(2) Surplus Turnback Funds. At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the townbridge accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the Commissioner of Finance requesting

the transfer of such surplus to the respective County State-Aid highway fund or Municipal State-Aid street fund for apportionment as provided by law.

(3) Advances from County or Urban Municipal Funds. When the commissioner approves a request from the governing body of a county or urban municipality for the construction of an approved County State-Aid or Municipal State-Aid turnback project which will require funds in excess of the available turnback fund balance and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the county's or urban municipality's turnback fund in accordance with the terms and conditions specified in the approved request. The total of

such advances to be reimbursed from the respective turnback funds shall not exceed forty percent of the last county or municipal turnback allotment. Any advances shall be repaid in accordance with the terms of the approved request from money accruing to the respective turnback funds.

(4) Advances from the 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 which will require funds in excess of the county's available town bridge account and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will 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 such advances to be reimbursed from the town bridge account shall not exceed forty percent of the last town bridge apportionment. Any advances shall be repaid in accordance with terms of the approved request from monies accruing to the respective town bridge accounts.

(5) Release of Turnback Account Funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to ~~ninety~~ ninety-five percent of the turnback share of said contract. The commissioner shall retain the remaining percentage of the turnback share of said contract, until the final cost is determined

see F. of F 2.

and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account ~~ninety~~ ninety-five percent of the value as reported by said partial estimates on an eligible turnback project. Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project shall be submitted and payment will be authorized in accordance with 14 MCAR § 1.5032 G., 2., e. (1)., (2). engineering costs.

See F of F 2

(6) Release of Town Bridge Account Funds. Upon receipt of an abstract of bids and a certification as to the execution

of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to ~~ninety~~ ninety-five percent of the town bridge account share of said contract. The commissioner shall retain the remaining ~~ten~~ five percent until the final cost is determined and the project is accepted by the district engineer.

See F. of F 2

g. Transfer of accumulated county municipal account funds to county regular account fund. Upon receipt of a certified copy of a county board resolution requesting the transfer of a portion of or the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner ~~may~~ shall transfer said funds provided:

changed per CHE p. 2

(1) The county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider any objections by the governing bodies of cities within the county having a population of less than 5,000 and no written objection is filed with the commissioner by any such city within 14 days of that hearing.

(2) If within 14 days of the public hearing held by the county a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature of the requested improvement and finds the identified highway is not deficient in meeting minimum state-aid street standards or the county has shown

evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan or there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

HE II

H. Minimum State-Aid Standards.

1. Geometric Design Standards.

a. The following standards shall apply to all rural design undivided roadways:

RURAL UNDIVIDED GEOMETRIC STANDARDS

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Surfacing	Design Strength	New & (4) Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
									Width Curb-Curb	Structural Capacity
0-49	11'	1'	3:1	7'	30-50	Traffic Bound	--	24'	22'	H-15
50-99	11'	3'	3:1	9'	30-50	Traffic Bound	--	28'	22'	H-15
100-399	12'	4'	4:1	15'	40-50	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
400-749	12'	4'	4:1	20'	40-60	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
750-999	12'	6'	4:1	25'	40-60	Paved	7 Ton Ult. 9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	30'	40-60	Paved	9 Ton	40'	30'	H-15

(1) Applies to Slope Within Recovery Area Only.

(2) Obstacle Free (Measured from edge of Traffic Lane) Culverts with less than 27" Vert. height allowed without protection in recovery area.

(3) Subject to Terrain.

(4) Minimum widths listed shall apply, except that lesser widths may be approved upon justification where the bridge length exceeds 200' - HS-20 loading required.

b. The following standards shall apply to those roadways that meet indicated conditions:

SUBURBAN GEOMETRIC DESIGN STANDARDS*

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Structural Design	New & (4) Rehabilitated Bridges Width Curb-Curb	Bridges to Remain	
								Width Curb-Curb	Structural Capacity
Less Than 1000	12'	6'	4:1	20'	40	9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	20'	40	9 Ton	40'	30'	H-15

*This standard shall apply only when the project is located in an area where the following conditions exist:

1. A platted area or an area in a detailed development process, or
2. Physical restraints are present which prevent reasonable application of the Rural Design Standards.

(1) Applies to slope within recovery area only.

(2) Obstacle free (measured from edge of traffic lane).

(3) Desirable design speed 50 mph.

(4) Minimum widths listed shall apply, except that lesser widths may be approved upon ~~sufficient~~ justification where the bridge length exceeds 200'. HS-20 Loading required.

c. The following standards shall apply to all urban design roadways:

URBAN ~~ROADWAY-WIDTHS~~ GEOMETRIC STANDARDS

TOTAL WIDTH IN FEET
FACE TO FACE OF OUTER CURBS

No. of Through Lanes	Density	Undivided, No Parking Lanes	With Median, No Parking Lanes		Undivided, With Parallel Parking Lanes		With 4' Median and Two Parallel Parking Lanes
			4' Median	14' Median	One Side	Both Sides	
2 (Collector)	Low	28			34	40	
	High	32			36	46	
4 (Collector)	Low	46	50	60	56	64	70
	High	50	54	64	60	68	74
2 (Arterial)	Low	36			38	48	
4 (Arterial)	Low	50	54	64	60	68	74
	High	52	58	68	62	72	80
6 (Arterial)	High	76	82	92	86	96	104

URBAN ROADWAY CLASSIFICATION				
CLASSIFICATION	FACILITY FUNCTION	DESIGN CHARACTER	TYPICAL TRIP LENGTH	ADT RANGE
Collector (Low Density)	Serves as feeder facility from neighborhood and local streets to the collector/arterial network. Also serves local access/ parking function for local business and residential development	Low to Moderate operating speeds of 20-25 mph.	Short -- generally less than 1/2 mile on this type facility	200-3000 ADT
Collector (High Density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts	Variable -- should provide for equal service to access and mobility	Variable	1000-7000 ADT
Arterial (Low Density)	Should serve intra-community travel. Augments high density arterial system	Some access control with emphasis on mobility	Variable	5000-10,000 ADT
Arterial (High Density)	Forms backbone of urban network along with freeway system. Serves as through facility. Also can serve major traffic generators such as shopping centers, stadiums, etc.	High. Must provide for through nature of traffic and also accounts for frequent turning movements. Control of access and width for separation of turning movements. Speeds generally 30-50 mph.	Longer -- usually greater than 1-2 miles	8000 ADT and up

d. The following minimum requirements shall apply to rural roadways on resurfacing projects:

SPECIAL RESURFACING PROJECTS

(Overlays)

COUNTY STATE AID HIGHWAYS

(Minimum Requirements)

Present A.D.T.	Strength In Tons Per Axle	Surface		Shldr - Shldr Width	Design Speed
		Type	Width		
Under 100	7	Paved	22	26	35
100 - 749	7	Paved	22	26	45
750 - 999	7	Paved	22	30	45
1000 - 2000	7	Paved	24	32	45
2001 - Over	7 Ult 9	Paved	24	32	45

Widths of bridges to remain inplace must equal roadway pavement width

e. The following vertical clearances for underpasses shall apply:

VERTICAL CLEARANCES FOR UNDERPASSES		
	Rural-Suburban Design Vertical Clearance	Urban Design Vertical Clearance
Highway under roadway bridge	16'4"	14'6"
Highway under railroad bridge	16'4"	14'6"
Highway under pedestrian bridge	17'4"	14'6"
Highway under sign structure	17'4"	14'6"
Railroad under roadway bridge	22'0"	22'0"

2. Specifications. Specifications for construction shall be the latest approved Minnesota Department of Transportation specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

3. Right-of-Way. The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty feet within municipalities and sixty-six feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the commissioner. Prior to construction the counties shall acquire control of such additional widths of Right-of-way in rural areas, as may be necessary to properly maintain the ditch section.

4. Parking Provisions

a. The following criteria must be used in establishing diagonal parking:

Minimum Design Standards for 45° & 60° Diagonal Parking

Parking Angle	Stall Width	Stall ~~--or-~~ ~~Curb~~-Depth	Traffic Aisle Width	Length along Curb	1/2 Roadway Width (Minimum)	Present ADT	Legal Speed Limit
45°	9'	19.8	~~13.0'~~ 13.2'	12.7'	33'	Less than 3000	30 MPH or less
60°	9'	21.0'	18.0'	10.4'	39'	Less than 3000	30 MPH or less
45°	9'	19.8'	~~25'~~ 25.2'	12.7'	45'	~~More than~~ 3000 and over	30 MPH or less
60°	9'	21.0'	30'	10.4'	51'	~~More than~~ 3000 and over	30 MPH or less

Diagonal parking provisions shall be established by cooperative agreement between the local road authority and the commissioner.

(1) The cooperative agreement shall indicate the angle of parking, provide for pavement marking of the parking lanes and the provision that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

c. The minimum design standards for roadways with parallel parking are shown in these rules under 14 MCAR 1.5032 H., 1.,c.

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

I. State-Aid Operations. State-Aid funds alloted to counties and urban municipalities shall be expended in accordance with the following provisions:

1. Maintenance

a. The commissioner shall require a reasonable standard of maintenance on all State-Aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition and the traffic being served. This maintenance shall be considered to include, but shall not be limited to:

(1) The maintenance of all road surfaces, shoulders, ditches and slopes and the cutting of brush and weeds affecting the respective state-aid systems;

(2) The maintenance and inspection of all bridges, culverts and other drainage structures pursuant to Minnesota Statutes 165.03;

(3) The maintenance of all regulatory and direction signs, markers, traffic control devices and protective structures in conformance with the current manual

on uniform traffic control devices affecting the respective state-aid systems;

(4) The striping of all pavements of 22 feet or more in width, consistent with the traffic service provided, and for which there are no pending improvements;

(5) The exclusion of advertising signs, billboards, buildings and other privately owned installations other than utilities of public interest from the right of way of any approved State-Aid projects.

(6) The installation of ~~approved~~ route markers on ~~all~~ rural ~~County~~ State-Aid Highways ~~in accordance with the current manual on uniform traffic control devices.~~

(a.) Route markers shall be a minimum of 16" x 16" square with black letters or numerals on a white background.

(b.) Wherever county road authorities elect to establish and identify a special system of important county roads, the route marker shall be pentagonal shape and shall consist of a reflectorized yellow legend (county name, route letter and number) and border on a blue background of a size compatible with other route markers.

b. Unsatisfactory Maintenance. When, in the opinion of the commissioner, the maintenance of any County or Municipal

State-Aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds so retained shall be held to the credit of that county or urban municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

c. Biennial Report. The commissioner's biennial report to the legislature shall enumerate all such funds retained more than ninety days, together with an explanation for this action.

2. Construction. Survey, plans and estimates for all State-Aid projects shall be made by or under the immediate direction of the county or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

a. Plans and Estimates. Plans and estimates for each State-Aid construction project must be submitted

for review. Each plan shall show all 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 plans are approved by the State-Aid engineer prior to the award of contract or approval of a force account agreement shall be eligible for State-Aid construction funds.

b. Project Numbers. Approved projects will be assigned State-Aid project numbers and shall be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

c. Contract Information. Upon award of a State-Aid contract by any county or urban municipality the engineer thereof shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for said approved construction work.

d. Force Account. Any county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices, which shall be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out taxes and contractor's profit. Such requests shall contain a complete list of pay items and the unit prices at which it is proposed to do the work. Prior to the approval by the commissioner, the district engineer shall file his recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements shall be considered incidental work not eligible for State-Aid payment.

e. Project Reports. Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable.

f. Project Payments. On all State-Aid construction projects payments will be made in accordance with 14 MCAR 1.5032 G., 2., a., b., c., d.

3. Turnback Accounts. The funds in the county and municipal turnback accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligiblity requirement as set forth herein. Further, a percentage of the county turnback account has been set aside, as provided by law, and shall be used for replacement or reconstruction of town road bridges that are 10 feet or more in length in those counties that have two or more towns.

a. Eligibility

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the County State-Aid highway or Municipal State-Aid street systems, shall be eligible for payment from the respective turnback account for all costs covering the restoration or the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of revision. After plan approval for the construction of 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 such approved project shall be advanced to construction status within

one year after notification to the county or urban municipality that sufficient funds are available for the construction of said projects. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.

(2) Any town bridge, 10 feet or more in length, is eligible for replacement or reconstruction if after all pertinent data supplied by local citizenry, local units of government, the Regional Development Commission or the Metropolitan Council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to ~~ninety~~ ninety-five percent of the see F&F2 cost of the bridge, and will be made

in accordance with 14 MCAR § 1.5032 G., 4., f.,(6).

b. Plan Approval and Construction Requirements. Plans for all County or Municipal State-Aid turnback or town bridge projects must be submitted to the commissioner and be approved before any reconstruction or improvement work is undertaken. All of the State-Aid rules that are consistent with the turnback regulations shall apply to all projects to be financed from the county or municipal turnback accounts or the town bridge account.

c. Construction Authorization. As soon as the plans for a State-Aid turnback or town bridge project are approved, the county or urban municipality shall be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for said

project for construction authorization as soon as funds are available. Where local funds are advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with 14 MCAR § 1.5032 G., 4., f., (3) has been approved by the commissioner.

J. General Rules. In addition to those provisions heretofore mentioned, expenditures of State-Aid funds by any county or urban municipality shall conform to the following rules:

1. Legal Requirements. State-Aid construction projects shall comply with all federal, state, and local laws, together with all ordinances, rules and regulations applicable to the work. Responsibility for compliance shall rest entirely with the local unit of government.

2. Bridge Plans. Plans for all bridge construction or bridge reconstruction projects shall be approved by the bridge engineer of the Minnesota Department of Transportation prior to the approval by the State-Aid engineer.

3. Reports and Records. Annual reports, status maps, and all maintenance and construction reports and records shall be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

4. Non-compliance. The commissioner, upon determination that a county or urban municipality has failed to comply with the established State-Aid requirements, other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of any portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of such county's or urban municipality's apportionment that shall be retained until such time as suitable compliance is accomplished, or the obligation fulfilled, as the case may be. The amount withheld shall reasonably approximate the extent of the noncompliance

or the value of the unfulfilled obligation.

5. Defective Work. Whenever unsatisfactory conditions are found to exist on an approved construction project, the district State-Aid engineer can, if necessary, order the suspension of all work affected thereby until said condition is satsifactorily corrected. Failure to conform with such suspension order shall be considered willful non-compliance. All work or materials which fail to conform to the requirements of the contract or force account agreement shall be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with paragraph 4., or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

6. Engineering and Technical Assistance. The commissioner may, as authorized by law, execute agreements with any county or urban municipality for technical assistance from the Department of Transportation. These services, if furnished, shall be paid for by the governmental subdivision at the rates established by the Department of Transportation.

K. General State-Aid Limitations. The extent of State-Aid participation on special items shall be limited as follows:

1. Lighting. The lighting of hazardous or accident prone locations, when concurred in by the traffic engineer of the Minnesota Department of Transportation shall be considered as eligible expense to the following extent:

   a. New Construction. Cost of complete lighting at approved locations only on multiple-lanes.

   b. Cost of lighting approved intersections on single-lane design.

c. Locations where the municipality would normally install lighting units are not considered as an eligible expense. The county or urban municipality shall furnish traffic information or other needed data to support its request.

d. Reconstruction. All costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

2. Traffic Control Signals.

a. State-Aid projects.

(1) Plans for the construction or reconstruction of ~~all~~ the electrical portion of traffic control signals ~~may~~ shall be designed ~~and certified~~ by a master electrician licensed in the State of Minnesota or by an electrical engineer registered in the State of Minnesota.

CHE P.2

(a) The District State Aid Engineer

~~may~~ shall review said plans upon submittal by the local engineer and make recommendations to the State Aid Engineer.

(b) The State Aid Engineer ~~may~~ shall approve the electrical portion of said plan based on the certification of the master electrician ~~or by the~~ electrical engineer and the remainder of the plan based on the certification of a registered professional civil or highway engineer ~~geometries of the signal standards if in accordance with the current "Manual on Uniform Traffic Control Devices."~~

CHE ¶ 2.

(2) Plans for the construction or reconstruction of the electrical portion of ~~all~~ traffic control signals not certified by a master electrician or ~~registered~~

electrical engineer shall be approved by the Traffic Engineer of the Minnesota Department of Transportation prior to the approval ~~by~~ of the State Aid Engineer.

renumbered

b. Federal Aid Projects. Plans for the construction or reconstruction of ~~all~~ traffic control signals shall be approved by the Traffic Engineer of the Minnesota Department of Transportation prior to the approval by the State Aid Engineer.

c. The extent of State Aid participation in ~~all~~ signal installations shall be determined by the State Aid Engineer in relation to the proportion of State Aid routes involved at each installation.

3. Right-of-Way. The cost of any lands and properties required to accommodate the design width of the street or highway as governed by the State-Aid standards, including necessary width for sidewalks, shall be considered as eligible expense.

This cost ~~may~~ shall include relocation and moving costs as provided by law and ~~may~~ shall include damages to other lands if reasonably justified to the satisfaction of the commissioner.

4. Sidewalks. On County State-Aid projects, sidewalks shall be considered as an eligible expense only where the proposed construction necessitates the alteration of existing walks. On Municipal State-Aid street projects, State-Aid payment for sidewalk ~~may~~ shall be made when requested by the urban municipality.

5. Storm Sewers. Plans containing items for storm drainage shall be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and his recommendations obtained as to design features and the proportionate share chargeable to the State-Aid system. These recommendations along with those of the district engineer shall be considered in determining the maximum State-Aid participation in said work.

L. Local Road Research Board

1. The commissioner shall appoint a local

research board consisting of the following members:

a. Four county engineers, only one of whom may be from a county containing a city of first class.

b. Two city engineers, only one of whom may be from a city of first class.

c. Two Department of Transportation staff engineers.

d. One University of Minnesota staff engineer.

e. One Ex officio secretary, who shall be the department's research coordination engineer.

2. Future Appointments. All appointments of county and city engineers, except for unexpired terms shall be for three years. The other members shall serve at the will of the commissioner.

3. Operating Procedure:

a. The board shall initially meet on

call from the commissioner, at which time they shall elect a chairman, and establish their own procedure for the selection of research projects to be recommended to the commissioner. Final determination on all such research projects shall be made by the commissioner, and the cost thereof shall be paid out of the State-Aid research accounts provided for by law.

b. In the event that the board recommends a project covering research in methods of and materials for the construction and maintenance of both the County State-Aid highway system and the Municipal State-Aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of such project to be borne by the respective County State-Aid highway research account, and the Municipal State-Aid street research account, based on the benefits to be realized by each system from such research project.

M. Variance.

See HE 5 (page 20) changes from R as r were suggested by DOT

1. Any formal request by a political subdivision ~~local unit or units of government~~ for a variance from these rules shall be submitted to the commissioner in writing.

2. Contents of Request. ~~A request shall be accompanied by an application fee of $1,000 to ensure the reimbursement of expenses of any committee member so appointed by the commissioner to evaluate said request.~~

   a. The specific rule or standard for which the variance is requested. ~~Any monies not needed to compensate committee members shall be returned pro rata to the local units of government from which they were received.~~

   b. The reasons for the request.

   c. The economic, social, safety and environmental impacts which may result from the requested variance.

d. Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

e. Effect on adjacent lands.

f. Number of persons affected.

g. Safety considerations as they apply to:

(1) Pedestrians.

(2) Bicyclists.

(3) Motoring Public.

(4) Fire, Police and Emergency Units.

3. The Commissioner shall publish notice of the variance request in the State Register and shall request comments from all interested parties be directed to the commissioner within 20 calendar days from date of publication. ~~Any variance objected to in writing or~~

~~denied-by-the-Commissioner-is-subject to-a-contested-case-hearing-as-required by-law.~~

~~a. The-costs-of-a-contested-case hearing-shall-be-the-responsibility-of-the-local-unit or-units-of-government.~~

4. The Commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. No elected or appointed official that represents a political subdivision requesting the variance may serve on the committee. ~~The-committee-shall-consist of-any-five-persons-of-the-following:~~

a. The committee shall consist of any five of the following persons:

~~a.~~ (1) Not more than two County Engineers only one of whom may be from a county containing a city of the first class.

~~b.~~ (2) Not more than two City Engineers only one of whom may be from a City of the first class.

~~c.~~ (3) Not more than two county officials only one of whom may be from a county containing a city of the first class and

~~d.~~ (4) Not more than two city officials only one of whom may be from a city of the first class.

~~5. No elected or appointed official may serve on the committee that represents a governmental unit or ageney requesting the variance.~~

~~6.~~ b. Operating Procedure

~~a.~~ (1) The committee shall meet on call from the commissioner at which time they shall elect a chairperson and establish their own procedure to investigate the requested variance.

~~b. The Commissioner shall publish notice of the variance request in the State Register and shall request comments from all interested parties~~

be-directed-to-the-commissioner-within-20 calendar-days-from-date of-publication.

(1) If-a-written-objection-is-received a-contested-case hearing-will-be-held as-required-by-law.

e. The-committee,-after considering-all-data pertinent-to-the-requested-variance-and considering-the-economic, social,-safety-and-environmental-impacts-which will-result-from-the-requested-variance,-shall recommend-to-the-commissioner-an-acceptance-or rejection-of-the-requested variance.

(1) If-the-committee recommends-rejection of-the-requested-variance,-a-contested-case

~~hearing will be held as required by law.~~

~~d. If no objection to the requested variance is received and the committee recommends acceptance of the requested variance, the commissioner may approve said request and direct the State Aid Engineer to approve said variance.~~

~~(1) If the commissioner determines to deny the request, a contested case hearing will be held as required by law.~~

~~7. Criteria to be considered in evaluating a variance request.~~

(2) The committee shall consider:

(a) The economic, social, safety and environmental impacts

which may result from the requested variance in addition to the following criteria:

~~a.~~ (b) Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

~~b.~~ ~~Economic consideration.~~

~~c.~~ (c) Effect on adjacent lands.

~~d.~~ (d) Number of persons affected.

~~e.~~ (e) Effect on future maintenance.

~~f.~~ (f) Safety considerations as they apply to:

~~(1)~~ i Pedestrians

~~(2)~~ ii Bicyclists

~~(3)~~ iii Motoring Public

~~(4)~~ iiii Fire, police and emergency units

(g) Effect that the rule and standards may have in imposing an undue burden on a political subdivision.

(3) The committee after considering all data pertinent to the requested variance shall recommend to the commissioner approval or disapproval of the request.

4. The commissioner shall base his decision on the criteria as specfied in 14 MCAR § 1.5032 M. 4. b. (2), (a) - (g) and shall notify the political subdivision in writing of his decision.

5. Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law.

N. Personal expenses authorized board or committee members. The commissioner will authorize the payment of all necessary personal expenses in connection with meetings of board and committee members, appointed by him for State-Aid purposes. These expenses shall be reported on forms furnished by the commissioner and paid from the State-Aid Administrative fund.

O. Identification and numbering. The commissioner is authorized and empowered to change the numbering system of the approved rules.

P. Severability. The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

APPROVED AS TO FORM AND LEGALITY

JUL 14 1980 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 15 1980
Joan Anderson Growe
Secretary of State
9:30 AM

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

K. Any agreement, obligation or contract entered into pursuant to this rule shall remain in full force and effect, notwithstanding expiration of this rule.

Department of Transportation

Proposed Amendments to Rules for State-Aid Operations under Minn. Stat. chs. 161 and 162, (1978)

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978) in Room 81, State Office Building, 435 Park Street (Between Aurora and Fuller), Saint Paul, Minnesota on April 17, 1980 at 10:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed amended rules relating to state-aid operations under Minn. Stat. chs. 161 and 162, (1978) as amended. Statements may be made orally and written material may be submitted at the hearing. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Deretich, Hearing Examiner, Office of Hearing Examiners, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8116, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411 to 15.0412 and § 15.052; as well as by 9 MCAR §§ 2.101 to 2.112 *(Minnesota Code of Agency Rules)*. If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that twenty-five (25) days prior to the hearing a Statement of Need and Reasonableness will be available for review at the Department of Transportation address given immediately below and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the department at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. The statutory authority of the Department of Transportation to adopt and promulgate these rules is provided in Minn. Stat. chs. 161 and 162 (1978 and 1979 Supp.). The proposed amended rules, if adopted, would:

(1) Provide new working definitions for state-aid engineer and district engineer;

(2) Establish a committee and the means to investigate and make recommendations to the Commissioner of Transportation on requests for variances from the rules;

(3) Increase the Municipal State-Aid Street (MSAS) system from 2,000 miles to 2,500 miles in urban municipalities;

(4) Provide and allow, for MSAS mileage purposes, that 28 foot undivided one-way streets with no parking lanes would be chargeable at one-half of the total length;

(5) Change the language requiring County State-Aid Highway (CSAH) and MSAS systems to be permissively (may) approved by the Commissioner of Transportation, rather than mandatorily (shall) approved;

(6) No longer specify that CSAH and MSAS systems need only meet the criteria and requirements of these rules in order to be so designated;

(7) Correct the citation in the *Minnesota Code of Agency Rules (MCAR)* pertaining to the local road research account;

(8) Renumber certain provisions;

(9) Correct citations to Minnesota Statutes;

(10) Abolish and substitute new (renumbered) language setting forth an administrative process which would require a public hearing to transfer advances (monies) from the county municipal account to the county regular account;

(11) Reduce the span length from 20 to 10 feet used to define town bridges where replacement or reconstruction is considered and increase payment for such town bridges from fifty to ninety percent;

(12) Provide new geometric design standards, clearance standards, and other roadway standards for CSAH and MSAS systems;

(13) Provide new language pertaining to preparation, review, and approval of plans.

A copy of the proposed rules is attached. Additional copies of the proposed rules are now available and one free copy may be obtained by writing to: Gordon M. Fay, State-Aid Engineer, Room 420, Transportation Building, Saint Paul, Minnesota 55155. The rules will be available at the door on the date of the hearing.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Transportation therefore strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified,

you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or to the department (in the case of the department's submission or resubmission to the Attorney General).

The department expects that fifty to one hundred persons may attend the hearing and it estimates that one to two hours will be necessary for the department to present its evidence at the hearing.

It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rule for the two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. ch. 10A provides that an individual appearing at a rules hearing is a lobbyist if he or she is:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including *his or her own* travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including *his or her own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials;

"Communicating with public officials" includes, but is not limited to, testifying at rulemaking hearings where the public officials' decisions will be based on the hearing record.

The following individuals are not lobbyists even if they meet the above criteria:

(a) Public officials or employees of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individuals while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250.00, excluding *his own* travel expenses, in any year in communicating with public officials.

An individual who falls within the lobbyist definition shall register with the Ethical Practices Board within five days of becoming a lobbyist.

Lobbyist registration forms may be obtained by writing the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, or telephoning (612) 296-5615. Please contact the board if you have any questions concerning lobbying registration and reporting requirements.

March 5, 1980

Richard P. Braun, Commissioner
Department of Transportation

Amendments as Proposed

14 MCAR § 1.5032 Rules for state-aid operations under ~~Minn.~~ Minnesota ~~Stat.~~ Statutes ~~1974~~ 1978, ~~ch.~~ Chapters 161 and 162, as amended.

A. Purpose. The purpose of 14 MCAR § 1.5032 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minn. Stat. ~~1974~~, ch. 162, (1978) as amended.

B. Scope. The scope of 14 MCAR § 1.5032 is confined within the framework of and consistent with Minn. Stat. ~~1974~~ chs. 161 and 162, (1978) as amended.

C. Definitions. For purposes of 14 MCAR § 1.5032 the following terms shall mean:

1. Commissioner. The Commissioner of Transportation.

2. State-Aid Engineer. A registered engineer employed as the state-aid engineer of the Minnesota Department of Transportation.

3. District Engineer. A district engineer of the Minnesota Department of Transportation or a registered engineer employed as his state-aid assistant.

4. County Engineer. A registered engineer employed as the county engineer or the director of public works-county engineer of each county.

5. City Engineer. A registered engineer employed as the city engineer or the director of public works-city engineer of each urban municipality.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or to the department (in the case of the department's submission or resubmission to the Attorney General).

The department expects that fifty to one hundred persons may attend the hearing and it estimates that one to two hours will be necessary for the department to present its evidence at the hearing.

It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rule for the two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. ch. 10A provides that an individual appearing at a rules hearing is a lobbyist if he or she is:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including *his or her own* travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including *his or her own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials;

"Communicating with public officials" includes, but is not limited to, testifying at rulemaking hearings where the public officials' decisions will be based on the hearing record.

The following individuals are not lobbyists even if they meet the above criteria:

(a) Public officials or employees of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individuals while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250.00, excluding *his own* travel expenses, in any year in communicating with public officials.

An individual who falls within the lobbyist definition shall register with the Ethical Practices Board within five days of becoming a lobbyist.

Lobbyist registration forms may be obtained by writing the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, or telephoning (612) 296-5615. Please contact the board if you have any questions concerning lobbying registration and reporting requirements.

March 5, 1980

Richard P. Braun, Commissioner
Department of Transportation

Amendments as Proposed

14 MCAR § 1.5032 Rules for state-aid operations under ~~Minn.~~ Minnesota ~~Stat.~~ Statutes ~~1974~~ 1978, ~~ch.~~ Chapters 161 and 162, as amended.

A. Purpose. The purpose of 14 MCAR § 1.5032 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minn. Stat. ~~1974~~, ch. 162, (1978) as amended.

B. Scope. The scope of 14 MCAR § 1.5032 is confined within the framework of and consistent with Minn. Stat. ~~1974~~ chs. 161 and 162, (1978) as amended.

C. Definitions. For purposes of 14 MCAR § 1.5032 the following terms shall mean:

1. Commissioner. The Commissioner of Transportation.

2. State-Aid Engineer. A registered engineer employed as the state-aid engineer of the Minnesota Department of Transportation.

3. District Engineer. A district engineer of the Minnesota Department of Transportation or a registered engineer employed as his state-aid assistant.

4. County Engineer. A registered engineer employed as the county engineer or the director of public works-county engineer of each county.

5. City Engineer. A registered engineer employed as the city engineer or the director of public works-city engineer of each urban municipality.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

6. Needs Report. A report of the estimated construction cost required to improve a state-aid system to standards adequate for future traffic on a uniform basis.

7. County-Municipal Account. A separate record of that portion of the county state-aid highway funds allocated for expenditure solely within cities, having less than 5,000 population.

8. Urban Municipality. Any city, having 5,000 or more population, determined in accordance with the provisions of law.

9. Local Highway or Street Departments. The highway or appropriate department of each county and each urban municipality.

10. Township Allotment. The county apportionment of county state-aid highway funds for use in the construction of township roads.

11. Advance Encumbrance. The authorized expenditure of local funds, in lieu of state-aid funds, by a county or urban municipality for use on an approved state-aid project. By agreement with the commissioner, the local 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.

12. Screening Committee. The county or municipal committee, appointed in accordance with law, and authorized to recommend to the commissioner the mileage and money needs for each of their state-aid systems.

13. Disaster Account. The accounts provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its county state-aid highway system or municipal state-aid street system from fire, flood, tornado or other uncontrollable forces of such proportion that the cost of repairs to such county state-aid highway system or municipal state-aid street system is beyond the normal resources of the county or urban municipality.

14. Trunk Highway Turnback. A former trunk highway or portion thereof that has reverted to a county or municipality in accordance with law.

15. Turnback Accounts. The respective accounts provided by law for payment to the county for the restoration or urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the state-aid system.

16. Disaster Committee. A committee, appointed in accordance with the law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its county state-aid highway or municipal state-aid street system and resulting in a financial hardship.

17. Local Road Research Board. A board appointed in accordance with these rules to recommend specific research projects to the commissioner.

18. Town Bridge Needs. The estimated construction costs required to improve or replace town bridges to standards adequate for future traffic on a uniform basis.

19. Town Bridge Account. The apportionment of county state-aid turnback funds for use in the construction or reconstruction of bridges on township roads.

20. Functional Classification Plan. A plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.

21. Variance Committee. A committee appointed in accordance with these rules to investigate and make recommendations to the commissioner on requests for variances from these rules.

D. Organization and powers of local highway departments. Each county and each urban municipality shall establish and maintain a highway or street department. Such departments shall be adequately organized, staffed, and equipped to administer for the county or urban municipality all matters relating to the operations of the state-aid program and to exercise all functions, incidental thereto, in accordance with law. All preparation of plans and specifications, and the supervision of construction and maintenance shall be under the control and direction of a professional engineer, registered in the State of Minnesota and employed or retained for that purpose.

E. Selection and designation of state-aid systems. The state-aid highways and streets designated to form the basis for a long range improvement program shall, in general, be so selected as to form an integrated network of highways and streets in accordance with the following provisions:

1. Systems.

a. Final selection of routes to be included in the respective county state-aid and municipal state-aid systems shall be subject to the approval of the commissioner.

b. The highway and street systems to be selected and designated in accordance with law are:

(1) County state-aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage.

(2) Municipal state-aid street system not exceeding ~~2,000~~ 2500 miles in extent within urban municipalities, excluding trunk highway turnback mileage.

(a.) On 28' undivided one-way streets with no parking lanes, the chargeable mileage allowed for municipal state aid street mileage purposes shall be one-half of the length of the one-way street.

2. Criteria. State-aid routes shall be selected on the basis of the following criteria:

a. County state-aid highways which:

(1) Carry relatively heavier traffic volumes or are functional classified as collector or arterial as identified on the county's functional plans as approved by the county board;

(2) And connect towns, communities, shipping points, and markets within a county or in adjacent counties;

(a) Or provide access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas;

(b) Or serve as principal rural mail routes and school bus routes;

(3) And occur at reasonable intervals consistent with the density of population;

(4) And provide an integrated and coordinated highway system, affording within practical limits a state-aid highway network consistent with traffic demands.

b. Municipal state-aid streets which:

(1) Carry relatively heavier traffic volumes or are functionally classified as collector or arterial as identified on the urban municipality's functional plan as approved by the urban municipality's governing body;

(2) And connect the points of major traffic interest within an urban municipality;

(3) And provide an integrated street system affording within practical limits a state-aid street network consistent with traffic demands.

3. Route designations. All county state-aid highways and municipal state-aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. Within three months after receipt by the commissioner of each such resolution and recommendation he ~~shall~~ may approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria and other requirements ~~set out in these rules~~. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of their resolution. All highways or streets so approved shall become a part of the county state-aid highway system or the municipal state-aid street system, subject to such additions or revisions as may be, from time to time, requested and approved.

a. 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 or city engineer, which portions of the turnback are eligible for designation as part of its state-aid system. Upon a request for the designation of such eligible portions 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 committee of this action.

F. State-aid apportionments. All state-aid apportionments shall be made from the county state-aid highway fund and the municipal state-aid street fund as provided by law. Apportionments to the respective counties and urban municipalities shall be released in accordance with 14 MCAR § 1.5032 G.

1. Money needs.

a. Construction costs estimates. To provide data to implement the formulas for state-aid apportionment, each county engineer and city engineer shall prepare cost estimates of construction required to improve his county state-aid or municipal state-aid system to approved standards.

b. Incidental costs. In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

(1) County state-aid highways:

(a) Automatic traffic control signals.

(b) Lighting of intersections and bridges within approved standards.

(c) Proportionate share of all drainage costs within municipalities, to reflect the responsibility of the state-aid highway.

(2) Municipal state-aid streets:

(a) Right-of-Way.

(b) Automatic traffic control signals.

(c) Lighting of intersections and bridges within approved standards.

(d) Proportionate share of all drainage costs, to reflect the responsibility of the state-aid street.

c. Deductible Items. The respective screening committees shall consider reports from the commissioner, consisting of, but not limited to, the county state-aid allotments to townships, or the municipal state-aid payments on state trunk highways or county state-aid highways, covering all said allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each such county or municipality, in order to equalize their status with other counties or municipalities not making similar expenditures.

2. Screening committees.

a. Annual reports. A detailed report of the state-aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures listed under deductible items, and shall, on or before the first day of Novem-

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

ber of each year, submit their findings and recommendations in writing as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees.

b. Local road research account. Within the limitations provided by law, the respective screening committees shall annually determine, and recommend, the amount the commissioner shall set aside from the county state-aid highway fund or the municipal state-aid street fund, for the purpose of local road research. These funds, along with such federal funds as may be provided, shall be used for conducting research as provided by law. The use and proportionate share of such county and municipal funds shall be as specifically authorized in the project approval as provided for in 14 MCAR § 1.5032 L., ~~5., e., (2).~~ 3., b.

3. Compilation of data by commissioner. The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

4. Notice of annual apportionment. Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

G. State-aid payments. Annual apportionments to the respective counties and to urban municipalities shall be released in the following manner:

1. Maintenance apportionments. As soon as the annual county and urban municipal state-aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

a. County-regular account. Forty percent of the regular county state-aid allotment for the general maintenance of county state-aid highways.

b. County-municipal account. Forty percent of the county-municipal account allotment for the maintenance of county-state-aid highways within municipalities of less than 5,000 population.

c. Revisions of county maintenance apportionments. The commissioner may, upon recommendation of the screening committee or upon receipt of a resolution from a county board, and for good cause shown, increase or decrease the proportion to be used for maintenance under either 14 MCAR § 1.5032 G., 1., a. and/or b. above.

d. Urban account. Twenty-five percent of the total allocation, or $1,500.00 per mile of improved municipal state-aid streets, whichever is the least, as the minimum allotment for the general maintenance of the approved state-aid system. The commissioner may modify the minimum payment to the extent necessary to accommodate the screening committee resolutions pertaining to trunk highway turnback maintenance allowances. Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

e. Transfer of unexpended balance. Any unobligated balance remaining in the state-aid maintenance account to the credit of any county or urban municipality, after final settlement has been made for the annual maintenance expenditures, shall be automatically transferred to the construction account of said county or municipality.

f. 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:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. Such request shall include the estimate of the maintenance expenditures anticipated within said account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

g. 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 forty percent of the total maintenance allocations. The commissioner shall retain the remaining amounts within said allocations pending determination of the final amount due, based upon a report of actual maintenance expenditures and receipt of the district engineer's certification of acceptable maintenance performance. Urban municipalities receiving the minimum maintenance allotment as outlined in 14 MCAR § 1.5032 G., 1., d. above will be eligible to receive the balance remaining in their maintenance account upon the commissioner's receipt of the district engineer's certification of acceptable maintenance.

2. Construction apportionments. The construction portion of the annual allocation to each county and urban municipality shall be credited to their respective accounts and retained by the commissioner for payment on approved projects in accordance with the following procedure:

a. State-aid contracts. The commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, shall promptly release from the funds available to said county or urban municipality up to ninety percent of the state-aid portion of said contract. The commissioner, unless otherwise requested, shall retain the remaining percentage of the state-aid share of said contract, provided funds are available therefor, until the final cost is determined and the project accepted by the district engineer.

b. Federal-aid contracts. The commissioner, under authority of an agency agreement with the governing body of a county or urban municipality, and acting as its agent in federal-aid operations, will release from state-aid funds available therefor, ninety percent of the county's or urban municipality's share of the entire contract obligation for immediate redeposit in an agency account, to be used in paying the county's or urban

municipality's share of the partial estimates and for advancing the federal share of such estimate payments. The commissioner shall retain the remaining percentage of the contract cost of said project until the final cost is determined and the project accepted by the district engineer. Where other than state-aid funds are to be used for depositing in the agency account, one hundred percent of the local governmental share of said contract amounts shall be deposited in the agency account prior to award of the contract.

c. Force account agreements. Partial estimates will be accepted on all projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor ninety percent of the cost of current accomplishments as reported by said partial estimates. Upon request of the county or urban municipality, the commissioner will set aside and retain their state-aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when final estimate is submitted and upon acceptance by the district engineer.

d. Payment limitations. Approval of state-aid projects by the commissioner does not imply that state-aid payments will be made in excess of the construction funds available from current state-aid allotments. Any county or urban municipality having depleted their currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

e. Engineering costs.

(1) Preliminary engineering. Requests for reimbursement of preliminary engineering costs shall be submitted with the report of state-aid contract or with the initial partial estimate on an approved force account project. The commissioner shall upon receipt of such request supplemented by such documentation as may be requested by the commissioner authorize the reimbursement for actual engineering costs, not to exceed eight percent of the total estimated contract or agreement amount.

(2) Construction engineering. Requests for payment of construction engineering costs shall be submitted along with the final estimate report. The commissioner shall upon receipt of such request, authorize a construction engineering payment which will either be limited to five percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's discretion be paid in the maximum amount of ten percent of said construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

f. Right-of-Way. State-aid payments for right-of-way costs on approved projects shall be limited to ninety percent of the approved claim until the acquisition of all right-of-way required for the project is actually completed and the final costs established.

g. Advances from county funds. When the commissioner approves a request from the county board for the construction of an approved county state-aid project, which requires county state-aid highway funds in excess of the available allotment and which excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction apportionments to the county's state-aid accounts in accordance with the terms and conditions specified in the approved request.

h. Advance of county state-aid highway funds.

~~(1)~~ Advance of county regular account funds to county municipal account fund. Where the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved county state-aid highway project, and where repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, such repayments will be made by the commissioner, to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.

~~(2) Advance of County Municipal Account Funds to County Regular Account Fund. The commissioner may approve a request from a county board for the advance of County Municipal Account funds for use on an approved County State-Aid highway project provided that notification pursuant to law has been given those municipalities within the county having a population less than 5,000. Advances from the county municipal account fund to the county regular account fund must be repaid to the county municipal account fund from monies accruing to the county regular account fund within a maximum of five years unless the terms and conditions of repayment are otherwise agreed by the county and the governing bodies of those cities within the county having a population of less than 5,000. Repayments will be made by the commissioner to the extent authorized by law, in the form of transfers from the county regular account fund to the county municipal account fund, in the amounts and at the time specified in the agreement.~~

i. Advances from urban municipal funds. When the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved municipal state-aid street project, which requires funds in excess of the available allotment and which excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these

KEY: **RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

locally financed expenditures out of subsequent construction apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

j. County or municipal bond account. Any 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, construction, reconstructing or improving state-aid streets or highways under its jurisdiction shall certify to the commissioner within thirty 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 therefor, itemizing the total amount of principal and interest involved and he 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. 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 intends to expend bond funds on a specific state-aid project shall notify the commissioner of this intent forthwith upon the award of contract or the execution of a force account agreement. Upon completion of each such project, a statement of final construction costs shall be furnished to the commissioner by the county or the urban municipality.

k. Municipal state-aid funds for county state-aid or trunk highway projects. The governing body of an urban municipality desiring to use a portion of its state-aid funds for improvements within its boundaries of any state trunk highway or county state-aid highway, shall request such authorization by resolution. Before any such funds are released for said purposes, the resolution shall be approved by the commissioner. A copy of the approved resolution shall be filed with the state-aid engineer. This subparagraph does not apply to payments made for interest on bonds sold under Laws of 1959, ch. 538. ~~and Laws of Minnesota 1965, Chapter 443.~~

3. Semi-annual statements. Within thirty days after the close of each six month period, the commissioner shall submit to each county or urban municipality semi-annual statements as to the status of its respective state-aid accounts.

4. Other authorized payments. Certain specific allotments or transfers of state-aid funds have been authorized by law. These will be processed as hereinafter provided:

a. Transfers for hardship conditions or other local use. The county board or governing body of any urban municipality desiring to use a part of its state-aid funds for this purpose shall certify to the commissioner either that all of its existing state-aid routes are improved to state-aid standards or that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy equal to or greater than said levy for previous years. Where a hardship transfer is requested, the commissioner may require fiscal information showing the extent of the financial deficiency. Within thirty days of the receipt of a request for transfer, the commissioner shall act to authorize or deny the transfer of state-aid funds for use outside of the approved state-aid system. Upon approval of the requested transfer, the commissioner without requiring any progress reports, shall within thirty days, authorize immediate payment of not less than fifty percent of the total amount authorized, with the balance to be paid within ninety days; or schedule immediate payment of the entire amount authorized if he determines there are sufficient funds available.

b. Township allotments. Upon receipt of a certified copy of a county board resolution, allocating a specific amount of its county state-aid construction funds for aid to its townships, which resolution shall indicate compliance with the law governing such allocations and be forwarded to the commissioner on or before the second Tuesday of January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

c. Construction of selected park projects. As provided by law, a portion of the county state-aid highway funds shall be set aside and used for the construction, reconstruction and improvement of county state-aid highways which provide access to the headquarters of or the principal parking lot located within a state park. Such funds, so set aside, may be expended for this purpose only on a request from the Commissioner of Natural Resources. Projects so selected will be approved by the Commissioner of Transportation in accordance with the procedure established for other state-aid operations.

d. Disaster account. Any disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, shall be promptly paid to the county or urban municipality for which such appropriation was authorized. The funds so allotted and paid to the county or urban municipality can only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Forthwith upon completion of the work for which the disaster payment was made, or the expiration of the time specified for doing such work, whichever occurs first, the county or urban municipality shall file a report certifying the extent of the authorized work completed, and showing the total expenditure made therein. In the event the total disaster allotment was not required or used for the purpose specified, the remainder shall be promptly returned to the commissioner for redeposit in the county state-aid highway fund or the municipal state-aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual state-aid allotment to the county or urban municipality before the commissioner shall authorize the disaster committee to inspect the disaster area.

e. Research account. County and municipal state-aid funds that may be annually allocated to the research account shall be used solely for those research projects recommended by

the local road research board and approved by the commissioner. Unexpended balances in this account shall at the end of each year be transferred back to the state-aid fund from which they were obtained.

f. Turnback accounts. A percentage of the net highway user tax distribution fund has been set aside by law and apportioned to separate accounts in the county state-aid highway fund and the municipal state-aid street fund, and respectively identified as the county turnback account and the municipal turnback account. Further, a percentage of the county turnback account has been set aside and shall be used for replacement or reconstruction of town bridges, ~~20,~~ 10 feet or more in length, in those counties that have two or more towns, pursuant to law. This latter account shall be known as the county town bridge account.

(1) Town bridge monies allocation. The sums of monies set aside for town bridges shall be allocated to the eligible counties on the basis of town bridge needs.

(2) Surplus turnback funds. At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the townbridge accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the Commissioner of Finance requesting the transfer of such surplus to the respective county state-aid highway fund or municipal state-aid street fund for apportionment as provided by law.

(3) Advances from county or urban municipal funds. When the commissioner approves a request from the governing body of a county or urban municipality for the construction of an approved county state-aid or municipal state-aid turnback project which will require funds in excess of the available turnback fund balance and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the county's or urban municipality's turnback fund in accordance with the terms and conditions specified in the approved request. The total of such advances to be reimbursed from the respective turnback funds shall not exceed forty percent of the last county or municipal turnback allotment. Any advances shall be repaid in accordance with the terms of the approved request from money accruing to the respective turnback funds.

(4) Advances from the 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 which will require funds in excess of the county's available town bridge account and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will 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 such advances to be reimbursed from the town bridge account shall not exceed forty percent of the last town bridge apportionment. Any advances shall be repaid in accordance with terms of the approved request from monies accruing to the respective town bridge accounts.

(5) Release of turnback account funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to ninety percent of the turnback share of said contract. The commissioner shall retain the remaining percentage of the turnback share of said contract, until the final cost is determined and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account ninety percent of the value as reported by said partial estimates on an eligible turnback project. Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project shall be submitted and payment will be authorized in accordance with 14 MCAR § 1.5032 G., 2., e. (1)., (2). engineering costs.

(6) Release of town bridge account funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to ninety percent of the town bridge account share of said contract. The commissioner shall retain the remaining ten percent until the final cost is determined and the project is accepted by the district engineer.

g. Transfer of accumulated county municipal account funds to county regular account fund. Upon receipt of a certified copy of a county board resolution requesting the transfer of a portion of or the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner may transfer said funds provided:

(1) The county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider any objections by the governing bodies of cities within the county having a population of less than 5,000 and no written objection is filed with the commissioner by any such city within 14 days of that hearing.

(2) If within 14 days of the public hearing held by the county a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature of

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

the requested improvement and finds the identified highway is not deficient in meeting minimum state-aid street standards or the county has shown evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan or there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

H. State-aid standards. ~~Subject to approval by the commissioner, geometric design standards shall be cooperatively determined for use on all County State-Aid highways and Municipal State-Aid streets.~~

1. Geometric design standards.

~~a. Adoption. The commissioner in cooperation with representatives of the Minnesota County Highway Engineers Association or the City Engineers Association of Minnesota, as the case may be, shall establish desirable minimum geometric design standards for use in improving County State-Aid highways and Municipal State streets.~~

~~b. Revisions. When need for revision of State-Aid standards arises, the commissioner shall confer with representatives of the county or city engineers associations and determine such change as might be necessary or desirable, and cause such change to be made in the same manner as outlined above.~~

a. The following standards shall apply to all rural unidivided roadways:

RURAL UNDIVIDED GEOMETRIC STANDARDS

Projected ADT	Lane Width	Shoulder Width	Inslope[1]	Recovery Area[2]	Design Speed[3]	Surfacing	Design Strength	New & Rehabilitated Bridges[4]	Bridges to Remain	
								Width Curb-Curb	Width Curb-Curb	Structural Capacity
0-49	11′	1′	3:1	7′	30-50	Traffic Bound	—	24′	22′	H-15
50-99	11′	3′	3:1	9′	30-50	Traffic Bound	—	28′	22′	H-15
100-399	12′	4′	4:1	15′	40-50	Paved	7 Ton Ult. 9 Ton	32′	24′	H-15
400-749	12′	4′	4:1	20′	40-60	Paved	7 Ton Ult. 9 Ton	32′	24′	H-15
750-999	12′	6′	4:1	25′	40-60	Paved	7 Ton Ult. 9 Ton	36′	28′	H-15
1000 & Over	12′	8′	4:1	30′	40-60	Paved	9 Ton	40′	30′	H-15

[1]Applies to Slope Within Recovery Area Only.

[2]Obstacle Free (Measured from edge of Traffic Lane) Culverts with less than 27″ Vert. height allowed without protection in recovery area.

[3]Subject to Terrain.

[4]Minimum widths listed shall apply, except that lesser widths may be approved upon justification where the bridge length exceeds 200′—HS-20 loading required.

b. The following standards shall apply to those roadways that meet indicated conditions:

SUBURBAN GEOMETRIC DESIGN STANDARDS*

Projected ADT	Lane Width	Shoulder Width	Inslope[1]	Recovery Area[2]	Design Speed[3]	Structural Design	New & Rehabilitated Bridges[4]	Bridges to Remain	
							Width Curb-Curb	Width Curb-Curb	Structural Capacity
Less Than 1000	12′	6′	4:1	20′	40	9 Ton	36′	28′	H-15
1000 & Over	12′	8′	4:1	20′	40	9 Ton	40′	30′	H-15

*This standard shall apply only when the project is located in an area where the following conditions exist:

1. A platted area or an area in a detailed development process, or
2. Physical restraints are present which prevent reasonable application of the rural Design Standards.

[1]Applies to slope within recovery area only.

[2]Obstacle free (measured from edge of traffic lane).

[3]Desirable design speed 50 mph.

[4]Minimum widths shall apply, except that lesser widths may be approved upon sufficient justification where the bridge length exceeds 200′. HS-20 Loading required.

c. The following standards shall apply to all urban roadways:

URBAN ROADWAY WIDTHS
TOTAL WIDTH IN FEET
FACE TO FACE OF OUTER CURBS

No. of Through Lanes	Density	Undivided, No Parking Lanes	With Median, 4' Median	No Parking Lanes 14' Median	Undivided, With Parallel Parking Lanes One Side	Both Sides	With 4' Median and Two Parking Lanes
2 (Collector)	Low High	28 32			34 36	40 46	
4 (Collector)	Low High	46 50	50 54	60 64	56 60	64 68	70 74
2 (Arterial)	Low	36			38	48	
4 (Arterial)	Low High	50 52	54 58	64 68	60 62	68 72	74 80
6 (Arterial)	High	76	82	92	86	96	104

URBAN ROADWAY CLASSIFICATION

CLASSIFICATION	FACILITY FUNCTION	DESIGN CHARACTER	TYPICAL TRIP LENGTH	ADT RANGE
Collector (Low Density)	Serves as feeder facility from neighborhood and local streets to the collector/ arterial network. Also serves local access/ parking function for local business and residential development.	Low to Moderate operating speeds of 20-25 mph.	Short—generally less than ½ mile on this type facility	200-3000 ADT
Collector (High Density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts	Variable—should provide for equal service to access and mobility	Variable	1000-7000 ADT
Arterial (Low Density)	Should serve intra-community travel. Augments high density arterial system	Some access control with emphasis on mobility	Variable	500-10,000 ADT
Arterial (High Density)	Forms backbone of urban network along with freeway system. Serves as through facility. Also can serve major traffic generators such as shopping centers, centers, stadiums, etc.	High. Must provide for through nature of traffic and also accounts for frequent turning movements. Control of access and width for separation of turning movements. Speeds generally 30-50 mph.	Longer—usually greater than 1-2 miles	8000 ADT and up

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

d. The following minimum requirements shall apply to rural roadways on resurfacing projects:

SPECIAL RESURFACING PROJECTS
(Overlays)
COUNTY STATE AID HIGHWAYS
(Minimum Requirements)

Present A.D.T.	Strength In Tons Per Axle	Surface Type	Surface Width	Shldr-shldr Width	Design Speed
Under 100	7	Paved	22	26	35
100-749	7	Paved	22	26	45
750-999	7	Paved	22	30	45
1000-2000	7	Paved	24	32	45
2001-Over	7 Ult 9	Paved	24	32	45

Widths of bridges to remain inplace must equal roadway pavement width

e. The following vertical clearances for underpasses shall apply:

VERTICAL CLEARANCES FOR UNDERPASSES

	Rural-Suburban Design Vertical Clearance	Urban Design Vertical Clearance
Highway under roadway bridge	16'4"	14'6"
Highway under railroad bridge	16'4"	14'6"
Highway under pedestrian bridge	17'4"	14'6"
Highway under sign structure	17'4"	14'6"
Railroad under roadway bridge	22'0"	22'0"

2. Specifications. Specifications for construction shall be the latest approved Minnesota Department of Transportation specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

3. Right-of-Way. The minimum widths of right-of-way for all state-aid routes shall be not less than sixty feet within municipalities and sixty-six feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the commissioner. Prior to construction the counties shall acquire control of such additional widths of right-of-way in rural areas, as may be necessary to properly maintain the ditch section.

4. Parking provisions

a. The following criteria must be used in establishing diagonal parking:

Minimum Design Standards for 45° & 60° Diagonal Parking

Parking Angle	Stall Width	Stall or Curb	Traffic Aisle Width	Length along Curb	½ Roadway Width (Minimum)	Present ADT	Legal Speed Limit
45°	9'	19.8'	13.0'	12.7'	33'	Less than 3000	30 MPH or less
60°	9'	21.0'	18.0'	10.4'	39'	Less than 3000	30 MPH or less
45°	9'	19.8'	25'	12.7'	45'	More than 3000	30 MPH or less
60°	9'	21.0'	30'	10.4'	51'	More than 3000	30 MPH or less

b. Diagonal parking provisions shall be established by cooperative agreement between the local road authority and the commissioner.

(1) The cooperative agreement shall indicate the angle of parking provide for pavement marking of the parking lanes and the provision that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

c. The minimum design standards for roadways with parallel parking are shown in these rules under 14 MCAR § 1.5032 H., 1., c.

d. Minn. Stat. 169.34 must be adhered to in determining diagonal parking spacing.

I. State-aid operations. State-aid funds allotted to counties and urban municipalities shall be expended in accordance with the following provisions:

RECEIVED
MAR 21 1980
OFFICE OF HEARING
EXAMINERS

1. Maintenance.

a. The commissioner shall require a reasonable standard of maintenance on all state-aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition and the traffic being served. This maintenance shall be considered to include, but shall not be limited to:

(1) The maintenance of all road surfaces, shoulders, ditches and slopes and the cutting of brush and weeds; affecting the respective state-aid systems;

(2) The maintenance and inspection of all bridges, culverts and other drainage structures; pursuant to Minn. Stat. § 165.03;

(3) The maintenance of all regulatory and direction signs, markers, traffic control devices and protective structures in conformance with the current manual on uniform traffic control devices affecting the respective state-aid systems ~~and consistent with state-wide application;~~

(4) The striping of all pavements of 22 feet or more in width, consistent with the traffic service provided, and for which there are no pending improvements;

~~(5) The enforcement of parallel parking on any approved State Aid project;~~

~~(6)~~ (5) The exclusion of advertising signs, billboards, buildings and other privately owned installations other than utilities of public interest from the right of way of any approved state-aid projects.

(6) The installation of approved route markers on all rural county state-aid highways in accordance with the current manual on uniform traffic control devices.

b. Unsatisfactory maintenance. When, in the opinion of the commissioner, the maintenance of any county or municipal state-aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible county or urban municipality. Funds so retained shall be held to the credit of that county or urban municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

~~(1) Route Markers Approved route markers shall be installed on all rural County State Aid highways in accordance with the current manual on uniform traffic control devices. Failure to comply with this requirement shall result in the withholding of ten percent of the annual maintenance allocation until such markers are properly installed.~~

c. Biennial report. The commissioner's biennial report to the legislature shall enumerate all such funds retained more than ninety days, together with an explanation for this action.

2. Construction. Survey, plans and estimates for all state-aid projects shall be made by or under the immediate direction of the county or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

a. Plans and estimates. Plans and estimates for each state-aid construction project must be submitted for review. Each plan shall show all 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 plans are approved by the state-aid engineer prior to the award of contract or approval of a force account agreement shall be eligible for state-aid construction funds.

b. Project numbers. Approved projects will be assigned state-aid project project numbers and shall be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

c. Contract information. Upon award of a state-aid contract by any county or urban municipality the engineer thereof shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for said approved construction work.

d. Force account. Any county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices, which shall be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out taxes and contractor's profit. Such requests shall contain a complete list of pay items and the unit prices at which it is proposed to do the work. Prior to the approval by the commissioner, the district engineer shall file his recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements shall be considered incidental work not eligible for State-Aid payment.

e. Project reports. Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable.

f. Project payments. On all state-aid construction projects, ~~the commissioner shall pay a maximum of ninety percent of the contract amount, or of each partial estimate in the case of force account agreements, until final acceptance of the completed work. Upon receipt of required reports and data and a recommendation of final acceptance by the district engineer, the commissioner shall, within the limits of funds available therefor, authorize final payment for said project within the limitation~~

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

~~hereinbefore established~~ payments will be made in accordance with 14 MCAR § 1.5032 G., 2., a., b., c., d.

3. Turnback accounts. The funds in the county and municipal turnback accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. Further, a percentage of the county turnback account has been set aside, as provided by law, and shall be used for replacement or reconstruction of town road bridges that are ~~20~~ 10 feet or more in length in those counties that have two or more towns.

a. Eligibility.

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the county state-aid highway or municipal state-aid street systems, shall be eligible for payment from the respective turnback account ~~to the county or urban municipality of~~ for all costs covering the restoration or the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of reversion. After plan approval for the construction of 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 such approved project shall be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of said project. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.

(2) Any town bridge, ~~20~~ 10 feet or more in length, is eligible for replacement or reconstruction if after all pertinent data supplied by local citizenry, local units of government, the Regional Development Commission or the Metropolitan Council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to ~~fifty~~ ninety percent of the cost of the bridge, and will be made in accordance with 14 MCAR § 1.5032 G., 4., f., (6).

b. Plan approval and construction requirements. Plans for all county or municipal state-aid turnback or town bridge projects must be submitted to the commissioner and be approved before any reconstruction or improvement work is undertaken. All of the state-aid rules that are consistent with the turnback regulations shall apply to all projects to be financed from the county or municipal turnback accounts or the town bridge account.

c. Construction authorization. As soon as the plans for a state-aid turnback or town bridge project are approved, the county or urban municipality shall be furnished either an authorization to proceed with construction or a notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for said project for construction authorization as soon as funds are available. Where local funds are advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with 14 MCAR § 1.5032 G., 4., f., (3) has been approved by the commissioner.

J. General rules. In addition to those provisions heretofore mentioned, expenditures of state-aid funds by any county or urban municipality shall conform to the following rules:

1. Legal requirements. State-aid construction projects shall comply with all federal, state, and local laws, together with all ordinances, rules and regulations applicable to the work. Responsibility for compliance shall rest entirely with the local unit of government.

2. Bridge plans. Plans for all bridge construction or bridge reconstruction projects shall be approved by the bridge engineer of the Minnesota Department of Transportation prior to the approval by the state-aid engineer.

3. Reports and records. Annual reports, status maps, and all maintenance and construction reports and records shall be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

4. Non-compliance. The commissioner, upon determination that a county or urban municipality has failed to comply with the established state-aid requirements, other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of any portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of such county's or urban municipality's apportionment that shall be retained until such time as suitable compliance is accomplished, or the obligation fulfilled, as the case may be. The amount withheld shall reasonably approximate the extent of the non-compliance or the value of the unfulfilled obligation.

5. Defective work. Whenever unsatisfactory conditions are found to exist on an approved construction project, the district state-aid engineer can, if necessary, order the suspension of all work affected thereby until said condition is satisfactorily corrected. Failure to conform with such suspension order shall be considered willful non-compliance. All work or materials which fail to conform to the requirements of the contract or force account agreement shall be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with paragraph 4., or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

6. Engineering and technical assistance. The commissioner may, as authorized by law, execute agreements with any county or urban municipality for technical assistance from the

Department of Transportation. These services, if furnished, shall be paid for by the governmental subdivision at the rates established by the Department of Transportation.

K. General state-aid limitations. The extent of state-aid participation on special items shall be limited as follows:

1. Lighting. The lighting of hazardous or accident-prone locations, ~~were~~ when concurred in by the traffic engineer of the Minnesota Department of Transportation shall be considered as eligible expense to the following extent:

a. New construction. Cost of complete lighting at approved locations only on multiple-lanes.

b. Cost of lighting approved intersections on single-lane design.

c. Locations where the municipality would normally install lighting units are not considered as an eligible expense. The county or urban municipality shall furnish traffic information or other needed data to support its request.

d. Reconstruction. All costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

2. Traffic control signals. ~~Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval of the State Aid engineer. The extent of~~

a. State-aid projects.

(1) Plans for the construction or reconstruction of all traffic control signals may be designed and certified by an electrical engineer registered in the State of Minnesota.

a. The district state aid engineer may review said plans upon submittal by the local engineer and make recommendations to the state aid engineer.

b. The state aid engineer may approve the electrical portion of said plan based on the certification by the electrical engineer, and the geometrics of the signal standards if in accordance with the current "Manual on Uniform Traffic Control Devices."

(2) Plans for the construction or reconstruction of all traffic control signals not certified by a registered electrical engineer shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the state aid engineer.

b. Federal-aid projects. Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the state aid engineer.

c. The extent of state aid participation in all signal installations shall be determined by the state aid engineer in relation to the proportion of state aid routes involved at each installation.

~~State Aid participation in all signal installations shall be determined by the State Aid engineer in relation to the proportion of State Aid routes involved at each installation.~~

3. Right-of-Way. The cost of any lands and properties required to accommodate the design width of the street or highway as governed by the state-aid standards, including necessary width for sidewalks, shall be considered as eligible expense. This cost may include relocation and moving costs as provided by law and may include damages to other lands if reasonably justified to the satisfaction of the commissioner.

4. Sidewalks. On county state-aid projects, sidewalks shall be considered as an eligible expense only where the proposed construction necessitates the alteration of existing walks. On municipal state-aid street projects, state-aid payment for sidewalk may be made when requested by the urban municipality.

5. Storm sewers. Plans containing items for storm drainage shall be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and his recommendations obtained as to design features and the proportionate share chargeable to the state-aid system. These recommendations, along with those of the district engineer shall be considered in determining the maximum state-aid participation in said work.

L. Local Road Research Board.

1. The commissioner shall appoint a Local Road Research Board consisting of the following members:

~~1.~~ a. Four county engineers, only one of whom may be from a county containing a city of first class.

~~2.~~ b. Two city engineers, only one of whom may be from a city of first class.

~~3.~~ c. Two Department of Transportation staff engineers.

~~4.~~ d. One University of Minnesota staff engineer.

~~5.~~ e. One ex officio secretary, who shall be the department's research coordination engineer.

~~a. Initial Appointments. The initial terms of the appointees shall be as follows, beginning January 1, 1960:~~

~~(1) One county engineer — 1 year.~~

~~(2) One county engineer — 2 years.~~

~~(3) Two county engineers — 3 years.~~

~~(4) One city engineer — 2 years.~~

~~(5) One city engineer — 3 years.~~

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

~~b.~~ 2. Future appointments. All ~~future~~ appointments of county and city engineers, except for unexpired terms shall be for three years. The other members shall serve at the will of the commissioner.

~~c.~~ 3. Operating procedure:

~~(1)~~ a. The board shall initially meet on call from the commissioner, at which time they shall elect a chairman, and establish their own procedure for the selection of research projects to be recommended to the commissioner. Final determination on all such research projects shall be made by the commissioner, and the cost thereof shall be paid out of the state-aid research accounts provided for by law.

~~(2)~~ b. In the event that the board recommends a project covering research in methods of and materials for the construction and maintenance of both the county state-aid highway system and the municipal state-aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of such project to be borne by the respective county state-aid highway research account, and the municipal state-aid street research account, based on the benefits to be realized by each system from such research project.

M. Variance

1. Any formal request by a local unit or units of government for a variance from these rules shall be submitted to the commissioner in writing.

2. A request shall be accompanied by an application fee of $1,000 to ensure the reimbursement of expenses of any committee member so appointed by the commissioner to evaluate said request.

a. Any monies not needed to compensate committee members shall be returned pro-rata to the local units of government from which they were received.

3. Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law.

a. The costs of a contested case hearing shall be the responsibility of the local unit or units of government.

4. The commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. The committee shall consist of any five persons of the following:

a. Not more than two county engineers only one of whom may be from a county containing a city of the first class.

b. Not more than two city engineers only one of whom may be from a city of the first class.

c. Not more than two county officials only one of whom may be from a county containing a city of the first class and

d. Not more than two city officials only one of whom may be from a city of the first class.

5. No elected or appointed official may serve on the committee that represents a governmental unit or agency requesting the variance.

6. Operating procedure.

a. The committee shall meet on call from the commissioner at which time they shall elect a chairperson and establish their own procedure to investigate the requested variance.

b. The commissioner shall publish notice of the variance request in the *State Register* and shall request comments from all interested parties be directed to the commissioner within 20 calendar days from date of publication.

(1) If a written objection is received a contested case hearing will be held as required by law.

c. The committee, after considering all data pertinent to the requested variance and considering the economic, social, safety and environmental impacts which will result from the requested variance, shall recommend to the commissioner an acceptance or rejection of the requested variance.

(1) If the committee recommends rejection of the requested variance a contested case hearing will be held as required by law.

d. If no objection to the requested variance is received and the committee recommends acceptance of the requested variance, the commissioner may approve said request and direct the state aid engineer to approve said variance.

(1) If the commissioner determines to deny the request, a contested case hearing will be held as required by law.

7. Criteria to be considered in evaluating a variance request:

a. Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

b. Economic considerations.

c. Effect on adjacent lands.

d. Number of persons affected.

e. Effect on future maintenance.

f. Safety considerations as they apply to:

(1) Pedestrians

(2) Bicyclists

(3) Motoring public

(4) Fire, police and emergency units

g. Other considerations as may be directed to or by the commissioner.

~~M.~~ N. Personal expenses authorized board or committee members. The commissioner will authorize the payment of all necessary personal expenses in connection with meetings of board and committee members, appointed by him for state-aid purposes. These expenses shall be reported on forms furnished by the commissioner and paid from the state-aid administrative fund.

~~N.~~ O. Identification and numbering. The commissioner is authorized and empowered to change the numbering system of the approved rules.

~~O.~~ P. Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof, shall not make void any other paragraph, subparagraph or subdivision or any other part.

~~**14 MCAR § 1.50325 Rules for Bridge Construction Program Under Laws 1976, Chapter 339**~~

~~A. Purpose. The purpose of 14 MCAR § 1.50325 is to carry out the mandate of the legislature and to effectuate that mandate with respect to application, selection and funding of bridge construction projects on key bridges under local jurisdiction as set forth in Minnesota Laws of 1976, Chapter 339.~~

~~B. Scope. The scope of 14 MCAR § 1.50325 is confined within the framework of and consistent with Minnesota Laws of 1976, Chapter 339, Section 1, and Minnesota Statutes 1974, Chapters 161 and 162 as amended.~~

~~C. Definitions. For purposes of 14 MCAR § 1.50325 the terms defined in 14 MCAR § 1.5032 shall have the same meaning.~~

~~D. Any deficient bridge, 20 feet or more in length, is eligible to be financed wholly or partially by the Minnesota state transportation fund and is subject to State Aid Standards and Specifications as provided in 14 MCAR § 1.5032 H.~~

~~E. Application for state financing of a project shall be made by resolution of a county board in the case of roads under the jurisdiction of counties, townships or municipalities of less than 5,000 population, or resolution of a city council of an urban municipality. Prior to selection by the commissioner, every application shall be reviewed by the appropriate Regional Development Commission or Metropolitan Council for consistency with its long term comprehensive development plan and guides.~~

~~F. Criteria for the selection of specific bridge projects will be the same as the six factors required to be considered under Minnesota Laws 1976, Chapter 339, Section 1, Subdivision 6 as it may be amended. The commissioner will make the final determination as to priority of construction.~~

~~G. Release of funds to the local road authority will be in accordance with 14 MCAR § 1.5032 C., 2., a.~~

~~H. 14 MCAR § 1.50325 shall expire at such time as rules of the Minnesota Department of Transportation implementing Minnesota Laws of 1976, Chapter 339, become effective. Any agreement, obligation or contract entered into pursuant to 14 MCAR § 1.5032A shall remain in full force and effect after expiration of the rule.~~

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Natural Resources

Adopted Rules Concerning Dam Safety

The adopted rules published at *State Register*, Volume 4, Number 17, pp. 685-699 (4 S.R. 685), are corrected as printed below, and the effective date of the rules is changed to 7 calendar days after the date of this publication.

6 MCAR § 1.5033 A. Class III dams, waivers. For Class III dams which are sponsored by a governmental agency which will be responsible for operation and maintenance or for which the design, construction supervision, and inspection is performed by a federal agency; the commissioner may waive certain details of the required submittals, provided that the federal agency will furnish the commissioner with adequate facts on the design and

KEY: **RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **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."

HE report

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

May 27, 1980

Mr. John R. Murphy A
Assistant Attorney General
515 Transportation Office Building
St. Paul, Minnesota - 55155

RE: In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended
HE Docket No. DOT-80-025-GD

Dear Mr. Murphy:

I enclose herewith and serve upon you by mail the Report of the Hearing Examiner in the above-entitled matter together with the official record, and I am closing our file in this case.

I might point out that Sec. 1.5302 H.4.b.(1) seems to read awkwardly without either a comma between "angle of parking" and "provide for pavement marking", or without a "d" added to provide(d). Please check this and correct it if there is some inadvertent grammatical omission.

Yours very truly,

George Deretich

GEORGE DERETICH
Hearing Examiner
(612)296-8116

GD/eag
Encs.
CC:1 - Mr. Gordon M. Fay
State-Aid Engineer
CC:2 - Mr. Roy L. Hanson
Assistant State-Aid Engineer

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik, being first duly sworn, deposes and says that on the 23rd day of May, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of the Hearing Examiner, DOT-80-025-GD

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat. § 16.54 (1974), a true and correct copy thereof on all persons at the addresses shown on the attached mailing list.

Eileen A. Gaiovnik

Subscribed and sworn to before me this
23rd day of May, 1980.

Susan C. Wojcik

SUSAN C. WOJCIK
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires April 26, 1986

Mr. John R. Murphy
Assistant Attorney General
Department of Transportation
515 Transportation Buildng
St. Paul, Minnesota - 55155

Mr. Gordon M. Fay
State-Aid Engineer
Technical Services Division
Department of Transportation
420 Transportation Building
St. Paul, Minnesota - 55155

Mr. Roy L. Hanson
Assistant State-Aid Engineer
Department of Transportation
Transportation Building
St. Paul, Minnesota - 55155

DOT-80-025-GD

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended.

REPORT OF THE HEARING EXAMINER

The above-captioned matter came on for hearing before George Deretich, Hearing Examiner, at 10:00 a.m. on April 17, 1980, in Room 81 of the Minnesota State Office Building, St. Paul, Minnesota.

John R. Murphy, Assistant Attorney General, 515 Transportation Office Building, St. Paul, Minnesota, 55155, appeared on behalf of the Minnesota Department of Transportation.

Gordon M. Fay, State-Aid Engineer, Technical Services Division, Minnesota Department of Transportation, Room 420, Transportation Building, St. Paul, Minnesota, 55155, appeared for the Department to testify in support of the proposed rules.

Roy L. Hanson, Assistant State-Aid Engineer, Minnesota Department of Transportation, Transportation Building, St. Paul, Minnesota - 55155, appeared for the Department.

Out of 27 people registering their attendance at the hearing, nine (9) people testified as follows: Paul McAlpine, Chairman, Wright County Commissioners and Regional Transportation Committee; Robert Witty, Martin County Engineer; Jim Wold, Chief, Planning and Programming, Hennepin County; Robert G. Peterson, Department of Public Works, City of St. Paul; Fredrick V. Salsbury, Director of Public Works, City of Columbia Heights; Patrick Murphy, Carver County Highway Engineer, President, Minnesota County Highway Engineers Association; John Winter, Minnesota Department of Natural Resources; Norman Anderson, Commissioner, Douglas County; and Ben Beauclair, St. Louis County Highway Department.

Written comments were received by the Hearing Examiner from the following: City of St. Cloud; City of Marshall; Legislative Commission to Review Administrative Rules; Minnesota Urban Traffic Engineering Council; Short-Elliott-Hendrickson, Inc., Consulting Engineers; City of Duluth; Gary R. Winter; Operations, Minnesota Department of Transportation; William G. Hansen, P.E.; United West End-COACT, Duluth; Arrowhead Regional Development Commission, Duluth; Jim Pehler, Minnesota State Representative, District 17B, Stearns County; Metropolitan Interstate Committee, Duluth; City of Columbia Heights; City of St. Paul; Al Wieser, Jr., Minnesota State Representative, District 35B, Houston, Fillmore and Winona Counties; and Bruce W. (Buzz) Anderson, Minnesota State Representative, District 26A, Murray, Nobles and Pipestone Counties.

PROCEDURAL BACKGROUND

The procedural background of this matter is best described in the Department's "Statement of Facts Establishing Need and Reasonableness of Rules", which states in part as follows:

"The Commissioner of Transportation has the authority to propose amendments, deletions and additions to the Rules for State Aid Operations. Pursuant to Minn. Stat. §§ 162.02, subd. 2, and 162.09, subd. 2, the Commissioner appointed a 21-person committee composed of county commissioners, county engineers, city elected officials and city engineers to advise him as to proposed changes in the rules. The individuals serving on the committee were recommended to the Commissioner by the Association of Minnesota Counties and the League of Minnesota Municipalities. The committee met on December 18, 1979, and again on January 11, 1980.

"The proposed adoption of rules, amendments and deletions governing the Rules for State Aid Operations contain a large number of changes to the existing Chapter 14 of the Minnesota Code of Agency Rules. The majority of these changes are substantive in nature due to the fact that Laws of Minnesota 1979, Chapter 167 require engineering standards be adopted and further that rules be adopted whereby variances from these rules be considered. The Department also took this opportunity to rewrite other rules for the purpose of clarity and to conform to statutes that had been revised or rewritten."

On December 18, 1979, and January 11, 1980, meetings were held by representatives of the Commissioner of the Department of Transportation and county and municipal officials regarding revisions to the state-aid rules and standards. The body which met is called the Advisory Committee to Revise State-Aid Rules and Standards. The Commissioner, or Department, was represented by Gordon Fay, Roy Hanson, and Chuck Weichselbaum. The Federal Highway Administration was represented by Roy Lacy. The following were municipal representatives: Alexander Madich, Councilmember, Chisholm; Mark Johnson, City Engineer, Sauk Rapids; Don Asmus, City Engineer, Minnetonka; Arnold Putnam, City Engineer, New Ulm; Duane Oden, City Engineer, Marshall; Willis Warkenstein, Mayor, Falcon Heights; Paul Davidson, City Engineer-Director of Public Works, Duluth; Dick Wheeler, Assistant Director-City Engineer, Duluth; Perry Smith, Director of Public Works, Minneapolis; and Carl Wyczawski, Mayor, New Ulm. The following were county representatives: James C. Thompson, Cook County Commissioner, Grand Marais; Paul Beyer, Faribault County Commissioner, Easton; Earl Larson, Kandiyohi County Commissioner, Willmar; Richard P. Cummings, Mower County Commissioner, Lansing; Glenn Tasa, Pennington County Commissioner, Trail; Walter F. Benson, Carlton County Engineer, Carlton; Robert Witty, Martin County Engineer, Fairmont; Bernard L. Lieder, Polk County Engineer, Crookston; and John K. Dolan, Olmsted County Engineer, Rochester. Both meetings were convened in the District Offices of the Minnesota Department of Transportation in Golden Valley. Transcripts of the meetings were made totalling approximately 270 pages.

On February 11, 1980, the Commissioner of the Minnesota Department of Transportation gave notice that he is soliciting outside opinions and comments pertaining to the adoption, amendment, suspension or repeal of rules promulgated pursuant to or authorized by Minn. Stat. Chs. 161 and 162, known as 14 MCAR § 1.5032, relating to state-aid roadway operations. This notice was caused to be published by the Commissioner in the State Register on Monday, February 18, 1980. On March 5, 1980, the Commissioner ordered that a public hearing be held in the matter of the proposed adoption of amended rules for state-aid operations under Minnesota Statutes 1978, Chapters 161 and 162, as amended. The Notice of Hearing was published in the State Register on Monday, March 15, 1980, pursuant to Minn. Stat. § 15.0412, subd. 6.

On March 21, 1980, the Minnesota Department of Transportation referred the matter to the Minnesota Office of Hearing Examiners and filed with that Office the Department's complete record (file), which included the following: Order for Hearing; Notice of Hearing, as mailed; the affidavit of receipt of the Secretary of State's list of those who registered for the mailing of notices; the affidavit of mailing the Notice to all names on the Secretary of State's list; the Department's Statement of Need and Reasonableness; and all materials received following the notice made pursuant to Minn. Stat. § 15.0412, subd. 6. The Department's file included material and transcripts relative to the above-mentioned meetings with municipal and county officials. The entire file sent to the Office of Hearing Examiners by the Department is incorporated into the record of this hearing by reference. The Department also advised the Office of Hearing Examiners that the Department's agency representatives will be Gordon M. Fay, Roy L. Hanson, and John R. Murphy.

A copy of the Department's proposed rules was also published in the State Register on March 15, 1980, together with the Notice of Hearing.

The statutory authority of the Department of Transportation to adopt and promulgate these rules is provided in Minn. Stat., Chs. 161 and 162 (1978 and 1979 Supp.).

After the conclusion of the hearing, the record remained open through April 24, 1980 for the purpose of receiving written comments on the proposed rules.

All the necessary jurisdictional documents were filed by the Department and are included in the file as part of the record herein. All the jurisdictional requirements were met by the Department.

In its "Statement of Facts Establishing Need and Reasonableness of Rules", the Department discussed the results of the meetings of December 18, 1979, and January 11, 1980, and also the communications it received relative to the amending of the rules both before and after the Department's published "Notice of Intent to Solicit Outside Opinions". The Department's responses were also set forth.

PROPOSED RULES AND RESPONSES THERETO BY AFFECTED PARTIES

1. In its published Notice of Hearing, the Department described the effect of the proposd amended rules, if adopted, as follows:

(1) Provide new working definitions for state-aid engineer and district engineer;

(2) Establish a committee and the means to investigate and make recommendations to the Commissioner of Transportation on requests for variances from the rules;

(3) Increase the Municipal State-Aid Street (MSAS) system from 2,000 miles to 2,500 miles in urban municipalities;

(4) Provide and allow, for MSAS mileage purposes, that 28-foot undivided one-way streets with no parking lanes would be chargeable at one-half of the total length;

(5) Change the language requiring County State-Aid Highway (CSAH) and MSAS systems to be permissively (may) approved by the Commissioner of Transportation, rather than mandatorily (shall) approved;

(6) No longer specify that CSAH and MSAS systems need only meet the criteria and requirements of these rules in order to be so designated;

(7) Correct the citation in the Minnesota Code of Agency Rules (MCAR) pertaining to the local road research account;

(8) Renumber certain provisions;

(9) Correct citations to Minnesota Statutes;

(10) Abolish and substitute new (renumbered) language setting forth an administrative process which would require a public hearing to transfer advances (monies) from the county municipal account to the county regular account.

(11) Reduce the span length from 20 to 10 feet used to define town bridges where replacement or reconstruction is considered and increase payment for such town bridges from fifty to ninety percent;

(12) Provide new geometric design standards, clearance standards, and other roadway standards for CSAH and MSAS systems;

(13) Provide new language pertaining to preparation, review, and approval of plans.

2. The Department made an affirmative presentation of all the proposed changes in the rules, describing what was done, why it was done, and the need for the changes. Not all the proposed changes were the subject of comment from the witnesses or writers, other than to be included in general comments of support for the new proposed rules. Throughout the proposed rules, there are a number of so-called "housekeeping" changes which are not substantive and which did not elicit any comments from interested parties (other than to agree with the changes); these housekeeping changes are not discussed in this Report.

3. The following people testified in support of the adoption of the new proposed rules: Paul McAlpine, Chairman, Wright County Commissioners; Robert Witty, Martin County Engineer; Patrick Murphy, Carver County Highway Engineer, and President, Minnesota County Highway Engineers Association; and Norman Anderson, Commissioner, Douglas County. Resolutions supporting the proposed rules were presented on behalf of: Douglas County Board of Commissioners; Minnesota County Highway Engineers Association; Martin County Board of Commissioners; and Wright County Board of Commissioners. The following writers support the adoption of the new proposed rules: John A. Fedo, Mayor, Duluth, on behalf of the City of Duluth Administration; Mary Durward, Regional Planner, on behalf of the Arrowhead Regional Development Commission, Duluth; and Kris T. Liljeblad, Planner, Metropolitan Interstate Committee, Duluth.

4. Under § 1.5032 C 2. and 3., the definitions of "state-aid engineer" and "district engineer" were amended to include "registered engineer". This amendment was done to ensure engineering professionalism to the position described. There were no comments directed at this amendment.

5. § 1.5032 C.15. was amended as follows:

15. Turnback Accounts. The respective accounts provided by law for payment to the county for the restoration or urban municipality for the reconstruction and improvement of former trunk highways that have reverted to the county or municipality and have become part of the state-aid system.

The definition was amended to conform to Minn. Stat. § 161.082, which provides for repair and restoration of highways and the monies turned back to counties for that purpose. The addition of "for the restoration" more clearly identifies the use of turnback monies for county turnbacks. There were no comments directed at this amendment.

6. § 1.5032 C. was amended to include a new definition, which is a totally new addition, as follows:

> 21. Variance Committee. A committee appointed in accordance with these rules to investigate and make recommendations to the commissioner on requests for variances from these rules.

The Laws of Minnesota, 1979, Chapter 167, authorize the commissioner to grant variances from county state-aid highway and municipal state-aid street rules and engineering standards subject to contested case procedures. This definition is added to the rules as the first step in establishing procedural guidelines in reaction to variance requests. There were no comments directed at this amendment. However, there are additional amendments regarding the variance committee and variance procedure and these amendments did elicit several comments which will be discussed later in this Report.

7. § 1.5032 E.1.b.2.(2)(a) is a new provision as follows:

> (a) On 28' undivided one-way streets with no parking lanes, the chargeable mileage allowed for municipal state-aid street mileage purposes shall be one-half of the length of the one-way street.

Municipal streets eligible for state aid designation are limited in mileage pursuant to municipal screening committee resolutions. The additional language will permit one-way street mileage to be treated as if it was one-half of a two-way, four-lane, no-parking street. There were no comments directed at this amendment, but there is a comment to a later section of the proposed rules regarding geometric design which raises the question of whether one-way streets were included, as intended. (The Department thinks one-way streets are included.)

8. § 1.5032 E.3. was amended twice: once in the original process of amending the rules for publication, and a second time after publication at the hearing. This section was originally amended as follows:

> "3. Route designations. All county state-aid highways and municipal state-aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. ~~Within three months after receipt by~~ the commissioner of each such resolution and recommendation he ~~shall~~ may approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria and other requirements ~~set out in these rules~~. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of their resolution. All highways or streets so approved shall become a part of the county state-aid highway system or the municipal state-aid street system, subject to such additions or revisions as may be, from time to time, requested and approved."

At the hearing, this provision was re-amended as follows:

> "3. Route designations. All county state-aid highways and municipal state-aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. ~~Within three months after receipt by~~ the commissioner after receipt of each such resolution and recommendation ~~he shall~~ may approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria ~~and other requirements~~ set out in

these rules. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of ~~their resolution~~ the highway or street designation. All highways or streets so approved shall become a part of the county state-aid highway system or the municipal state-aid street system, subject to such additions or revisions as may be, from time to time, requested and approved."

There are times when resolutions are submitted requesting state aid designation for specific county roads and because state aid mileages are established within each county, the commissioner cannot approve new designations without the approval of the county screening committee. Therefore, the time element is not always realistic. However, the City of Columbia Heights objects to any change in this provision, arguing that the decision-making should remain at the local level and should not give veto power to the Commissioner.

9. The Department proposed that § 1.5302 E.3.a. be labelled § 1.5302 E.4. and amended that provision by adding the underlined words as follows:

> 4. ~~a.~~ 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 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 with turnback funds. Upon a request for the designation of such eligible portions 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 committee of this action."

p. 11 - renumbered back to E.3.a

The underlined words were added at the hearing after publication of the proposed rules and the original amendment merely changed the (3)(a) to read (4). The City of Columbia Heights is concerned about how the word "restoration" might be interpreted. They feel this should be expanded to eliminate any misinterpretation between basic configuration and surfacing. The City's comments were directed at paragraph I, 3, a(1), discussed later.

10. § 1.5302 F.2.a. was not amended originally at the time of the publication of the proposed rules. After publication, at the hearing, this provision was changed by adding the underlined words as follows:

"2. Screening Committees.

> a. Annual reports. A detailed report of the state-aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures listed under deductible items, and shall, on or before the first day of November of each year, submit their findings and recommendations in writing to the commissioner as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees."

inserted p. 14

There were no comments directed at this amendment. However, Hennepin County recommended that paragraph F.1.b.(1), entitled "Money Needs", be amended so that counties would be permitted to include right-of-way costs in their money needs for computation of state-aid apportionments. Hennepin points out that this is currently being considered for inclusion by the county screening committee and amending this paragraph would avoid the need for future amendment.

not included

11. § 1.5302 H. is entitled "State-aid standards". The Department originally, in its published proposed rules, left that heading intact. However, after publication, and at the hearing, the Department amended the title to read "Minimum state-aid standards". There were no comments directed at this amendment. P-41

12. § 1.5302 H.1. was amended in two ways: First, the language pertaining to the adoption (a) and revisions (b) of geometric design standards was eliminated in its entirety as follows:

" 1. Geometric design standards.

~~a. Adoption.~~ The commissioner in cooperation ~~with representatives~~ of the Minnesota County Highway Engineers Association ~~or the City~~ Engineers Association of Minnesota, ~~as the case may be, shall~~ establish desirable minimum geometric ~~design standards for use~~ in improving County State Aid ~~highways and Municipal State streets.~~

~~b. Revisions. When need for revision of State Aid standards arises, the commissioner shall confer with representatives of the county or city engineers associations and determine such change as might be necessary or desirable, and cause such change to be made in the same manner as outlined above.~~"

The Department points out that the present language is no longer appropriate because any changes in the future will have to go through the hearing process. There was no comment directed at this amendment of § 1.5302 H.1.a. and b.

The second amendment was to add the geometric design standards. The Laws of Minnesota, 1979, Chapter 167, require the Commissioner to adopt engineering standards. The standards for rural undivided (a.), suburban (b.), and urban roadway widths (c.), are shown as recommended by a rules committee appointed for the purpose of review. The requirements for special resurfacing projects (d.), and vertical clearances for underpasses (e.), are shown as recommended by the committee.

a. The following standards shall apply to all rural design undivided roadways:

RURAL UNDIVIDED GEOMETRIC STANDARDS

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Surfacing	Design Strength	New & (4) Rehabilitated Bridges	Bridges to Remain	
								Width Curb-Curb	Width Curb-Curb	Structural Capacity
0-49	11'	1'	3:1	7'	30-50	Traffic Bound	--	24'	22'	H-15
50-99	11'	3'	3:1	9'	30-50	Traffic Bound	--	28'	22'	H-15
100-399	12'	4'	4:1	15'	40-50	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
400-749	12'	4'	4:1	20'	40-60	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
750-999	12'	6'	4:1	25'	40-60	Paved	7 Ton Ult. 9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	30'	40-60	Paved	9 Ton	40'	30'	H-15

(1) Applies to Slope Within Recovery Area Only.

(2) Obstacle Free (Measured from edge of Traffic Lane) Culverts with less than 27" Vert. height allowed without protection in recovery area.

(3) Subject to Terrain.

(4) Minimum widths listed shall apply, except that lesser widths may be approved upon justification where the bridge length exceeds 200' - HS-20 loading required.

b. The following standards shall apply to those roadways that meet indicated contitions:

SUBURBAN GEOMETRIC DESIGN STANDARDS*

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Structural Design	New & (4) Rehabilitated Bridges	Bridges to Remain	
							Width Curb-Curb	Width Curb-Curb	Structural Capacity
Less than 1000	12'	6'	4:1	20'	40	9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	20'	40	9 Ton	40'	30'	H-15

*This standard shall apply only when the project is located in an area where the following conditions exist:

1. A platted area or an area in a detailed development process or
2. Physical restraints are present which prevent reasonable application of the Rural Design Standards.

(1) Applies to slope within recovery area only.

(2) Obstacle free (measured from edge of traffic lane).

(3) Desirable design speed 50 mph.

(4) Minimum widths listed shall apply, except that lesser widths may be approved upon justification where the bridge length exceeds 200'. HS-20 Loading required.

c. The following standards shall apply to all urban design roadways:

URBAN GEOMETRIC STANDARDS

TOTAL WIDTH IN FEET
FACE TO FACE OF OUTER CURBS

No. of Through Lanes	Density	Undivided, No Parking Lanes	With Median 4' Median	No Parking Lanes 14' Median	Undivided, With Parallel Parking Lanes One Side	Both Sides	With 4' Median and Two Parallel Parking Lanes
2	Low	28			34	40	
(Collector)	High	32			36	46	
4	Low	46	50	60	56	64	70
(Collector)	High	50	54	64	60	68	74
2							
(Arterial)	Low	36			38	48	
4	Low	50	54	64	60	68	74
(Arterial)	High	52	58	68	62	72	80
6							
(Arterial)	High	76	82	92	86	96	104

URBAN ROADWAY CLASSIFICATION

CLASSIFICATION	FACILITY FUNCTION	DESIGN CHARACTER	TYPICAL TRIP LENGTH	ADT RANGE
Collector (Low Density)	Serves as feeder facility from neighborhood and local streets to the collector/arterial network. Also serves local access/ parking function for local business and residential development.	Low to Moderate operating speeds of 20 - 25 mph.	Short - generally less than 1/2 mile on this type facility.	200-3000 ADT
Collector (High Density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts.	Variable - should provide for equal service to access and mobility.	Variable	1000-7000 ADT
Arterial (Low Density)	Should serve intra-community travel. Augments high density arterial system.	Some access control with emphasis on mobility.	Variable	5000-10,000 ADT
Arterial (High Density)	Forms backbone of urban network along with freeway system. Serves as through facility. Also can serve major traffic generators such as shopping centers , stadiums, etc.	High. Must provide for through nature of traffic and also accounts for frequent turning movements. Control of access and width for separation of turning movements Speed generally 30-50 mph.	Longer - usually greater than 1-2 miles.	8000 ADT and up

d. The following minimum requirements shall apply to rural roadways on resurfacing projects:

SPECIAL RESURFACING PROJECTS
(Overlays)
COUNTY STATE AID HIGHWAYS
(Minimum requirements)

Present A.D.T.	Strength In Tons Per Axle	Surface Type	Surface Width	Shldr-Shldr Width	Design Speed
Under 100	7	Paved	22	26	35
100-749	7	Paved	22	26	45
750-999	7	Paved	22	30	45
1000-2000	7	Paved	24	32	45
2001-Over	7 Ult 9	Paved	24	32	45

Widths of bridges to remain inplace must equal roadway pavement width

The Department also included in its amendments of state-aid standards (§ 1.5302 H.4.) proposed standards for diagonal parking. The enforcement of parallel parking on any approved state-aid project was suspended on August 27, 1979 pursuant to Minn. Stat. § 3.965 (1978). Therefore, the Department proposes new diagonal parking data as follows

"4. Parking provisions

a. The following criteria must be used in establishing diagonal parking:

Minimum Design Standards for 45° & 60° Diagonal Parking

Parking Angle	Stall Width	Stall Depth	Traffic Aisle Width	Legal Speed Limit along Curb	1/2 Roadway Width (Minimum)	Present ADT	Legal Speed Limit
45°	9'	19.8'	13.2'	13.2'	33'	Less than 3000	30 MPH or less
60°	9'	21.0'	18.0'	10.4'	39'	Less than 3000	30 MPH or less
45°	9'	19.8'	25.2'	12.7'	45'	3000 and Over	30 MPH
60°	9'	21.0'	30'	10.4'	51'	3000 and Over	30 MPH or less

b. Diagonal parking provisions shall be established by cooperative agreement between the local road authority and the commissioner.

(1) The cooperative agreement shall indicate the angle of parking provide for pavement marking of the parking lanes and the provision that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

c. The minimum design standards for roadways with parallel parking are shown in these rules under 14 MCAR § 1.5032 H.1.c.

d. Minn. Stat. 169.34 must be adhered to in determining diagonal parking spacing.

The proposed provisions of Section H. under § 1.5302 represent significant changes which have elicited comments from virtually all participants. It has already been stated that some support the Department's entire proposed rules and recommend their adoption which includes the state-aid standards H.

The City of St. Cloud comments on the two tables in (c) above entitled "Urban Geometric Design Standards" and "Urban Roadway Classification", indicating that the tables contain some inconsistencies. A criticism of St. Cloud is that, on the "Urban Roadway Classification" table, there is an overlap of the ADT ranges of "5,000-10,000" daily trips and that of "8,000 or more" daily trips. St. Cloud feels there should be no overlap and that clarification is necessary. In the table "Urban Geometric Design Standards" ("Total Width in Feet Face to Face of Outer Curbs"), there are two classifications of low density arterials with either two lanes or four lanes with a minimum width of 36 feet and 50 feet, respectively. St. Cloud points out that there are no criteria to determine at what point a low density arterial must be four lanes as opposed to two lanes, and therefore, 50 feet as opposed to 36 feet in width.

St. Cloud states that the table should be amended or that a separate rule should be made to correct this.

The City of St. Paul believes the urban roadway minimum widths are too wide. St. Paul points out that the proposed minimum widths are greater than those required by existing rules. St. Paul feels these increased minimum widths are unreasonable because of situations of limited right-of-way occurrences. St. Paul recommends that greater judgment be permitted the engineering staff of the local road authority. St. Paul cites two existing examples, namely, East Third Street and Snelling Avenue which would not meet the proposed minimum width requirements.

The City of Marshall feels that Section H. should contain standards for one-way streets. (The DOT feels that one-way streets have been provided for in the proposed rules.)

In an intradepartmental memorandum, introduced by the Department (DOT) at the hearing, a District Traffic Engineer in District Nine, Oakdale, commented on the proposed rules' design standards. He wants the road recovery areas to be increased as follows:

Rural	- Projected ADT	less than 100 - 30 ft.
Rural	- " "	greater than 100 - AASHTO Guidelines
Suburban	- Projected ADT	less than 1000 - 30 ft.
Suburban	- " "	greater than 1000 - AASHTO Guidelines

The memorandum also stated that shoulder design should include paved shoulders because they are cheaper in the long run and are safer for pedestrians and bicyclists. The memo also objected to diagonal parking because of the accident experience associated with it.

The Minnesota Department of Natural Resources, Division of Parks and Recreation, wants additional considerations to be written into H.1. to more properly address appropriate standards for state park entrance roads. The DNR wants reduced requirements where appropriate and wants to work with the DOT in developing appropriate standards.

William G. Hansen, P.E., submitted written comments suggesting that bridge widths be included in Urban Roadway standards. He also suggested that the wording "along with freeway systems" be deleted from the arterial facility function description under Urban Roadway Classification because the wording does not apply to many urban areas.

An individual from Jasper, Minnesota, wrote that he was very much in favor of reduced standards, especially for country roads. He said the existing three-foot and four-foot shoulders are adequate and larger right-of-ways are unnecessary. He says the standards should be lowered for both building and rebuilding of roads.

It has already been pointed out that others have indicated general support of the entire proposed rules, including Section H., on state-aid standards. Some of these have commented specifically on the state-aid geometric design standards saying they think the proposed standards are good ones. These supporters include: Arrowhead Regional Development Commission; Metropolitan Interstate Committee; State Representative Al Weiser, Jr.; Mayor John A. Fedo, Duluth; Douglas County Board of Commissioners; Minnesota County Highway engineers Association; Martin County Board of Commissioners and Martin County Engineer; and Wright County Board of Commissioners.

13. § 1.5032 I. is entitled "State-aid Operations" and sets forth the provisions under which state-aid funds are allotted to counties and urban municipalities. This section of the proposed rules was basically amended for clarification and to conform to the law(s). Only one comment was made on the amendments by the City of Columbia Heights. Regarding turnback accounts, the Department amended § 1.5032 I.3.a.(1) as follows:

"a. Eligibility.

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the county state-aid highway or municipal state-aid street systems, shall be eligible for payment from the respective turnback account ~~to the county or urban municipality of~~ for all costs covering the restoration or the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of reversion. After plan approval for the construction of 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. After plan approval for the construction of 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 such approved project shall be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of said project. Payment for such reconstruction and improvement of any section will terminate all eligiblity for reconstruction and improvement of that section with turnback funds."

✓ 9.58

Columbia Heights is concerned about the interpretation of the word "restoration". If it is interpreted to mean leaving the basic configuration the same, the City does not object. If it means that a simple seal coat could be applied to the surface where more thorough construction of the surface is, or should be required, it is objectionable to Columbia Heights. The City feels this language should be expanded to eliminate any misinterpretation in the future.

Another comment came from Hennepin County regarding I.2.a. and e., plans and estimates and reports. Hennepin County suggests that these provisions, which were left unamended by the Department, be rewritten to allow the County and the DOT to agree between themselves so as to reduce delays. Clauses a. and e. of § 1.5032 I.2. read as follows:

"a. Plans and estimates. Plans and estimates for each state-aid construction project must be submitted for review. Each plan shall show all 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 plans are approved by the state-aid engineer prior to the award of contract or approval of a force account agreement shall be eligible for state-aid construction funds."

"e. Project reports. Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable."

14. §1.5032 K.2., "Traffic Control Signals", represents a major change in the procedure to approve traffic control signal plans. In its initial and published amendments, the Department changed K.2. as follows:

2. Traffic control signals. ~~Plans for the construction or reconstruction of all traffic control signals shall be approved~~

~~by the traffic engineer of the Minnesota Department of Transportation prior to the approval of the State Aid engineer. The extent of~~

a. State-aid projects.

(1) Plans for the construction or reconstruction of all traffic control signals may be designed and certified by an electrical engineer registered in the State of Minnesota.

a. The district state aid engineer may review said plans upon submittal by the local engineer and make recommendations to the state aid engineer.

b. The state aid engineer may approve the electrical portion of said plan based on the certification by the electrical engineer, and the geometrics of the signal standards if in accordance with the current "Manual on Uniform Traffic Control Devices."

(2) Plans for the construction or reconstruction of all traffic control signals not certified by a registered electrical engineer shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the state aid engineer.

b. Federal-aid projects. Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the state aid engineer.

c. The extent of state aid participation in all signal installations shall be determined by the state aid engineer in relation to the proportion of state aid routes involved at each installation.

~~State Aid participation in all signal installations shall be determined by the State Aid engineer in relation to the proportion of State Aid routes involved at each installation.~~

The Minnesota Urban Traffic Engineering Council (MUTEC) objected to the new proposed provisions under K.2.a., State-aid Projects. The Council's main objection was the requirement of an electrical engineer's approval of plans because few of them are qualified.

The consulting engineering firm of Short, Elliott, Hendrickson, Inc., raised an objection similar to MUTEC's.

At the hearing, in an unpublished amendment, the Department proposed a new amendment to K.2. regarding Traffic Control Signals as follows:

"2. Traffic Control Signals

a. State Aid Projects

(1) Plans for the construction or reconstruction of the electrical portion of traffic control signals may be designed by a master electrician licensed in the state of Minnesota or by a registered electrical engineer. see p. 65

(a.) The district state aid engineer may review said plans upon submittal by the local engineer and make recommendations to the state aid engineer.

(b.) The state aid engineer may approve the electrical portion of said plan based on the certification of the master electrician or electrical engineer and the remainder of the plan based on the certification of a registered professional civil or highway engineer.

(2) Plans for the construction or reconstruction of the electrical portion of traffic control signals not certified by a master electrician or electrical engineer shall be approved by the Traffic Engineer of the Minnesota Department of Transportation Prior to the Approval of the State Aid Engineer.

b. Federal Aid Projects

(1) Plans for the construction or reconstruction of traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation.

c. The extent of state aid participation in signal installations shall be determined by the state aid engineer in relation to the proportion of state aid routes involved at each installation.

The City of Columbia Heights suggests that there should be clarification of funding and payment and that there should be criteria for proportionment of costs.

After the hearing and the Department's new amendment, MUTEC withdrew its objections saying the new amendment was acceptable to them.

The consulting engineering firm of Short, Elliott & Hendrickson did not respond after the new amendments. Since their objections were similar to MUTEC's, it is reasonable to conclude that their objections were also satisfied by the Depa tment's new amendments.

In the intradepartmental DOT memorandum mentioned earlier in this Report, the writer made a comment that he did not think the Department's originally proposed amendments would achieve their intended purpose to shorten the State's approval process, relative to traffic control signals, by the use of an electrical engineer.

15. The Laws of Minnesota, 1979, Chapter 167, authorize the Commissioner to grant variances from state-aid rules and standards. § 1.5032 M., entitled "Variance", represents major proposed amendments by the Department. The new language is intended to establish operating procedure, appointments to a variance committee, and criteria to follow in evaluating a variance request. In its published amendments, the Department proposed the following:

M. Variance

1. Any formal request by a local unit or units of government for a variance from these rules shall be submitted to the commissioner in writing.

2. A request shall be accompanied by an application fee of $1,000 to ensure the reimbursement of expenses of any committee member so appointed by the commissioner to evaluate said request.

a. Any monies not needed to compensate committee members shall be returned pro-rata to the local units of government from which they were received.

3. Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law.

a. The costs of a contested case hearing shall be the responsibility of the local unit or units of government.

4. The commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. The committee shall consist of any five persons of the following:

a. Not more than two county engineers only one of whom may be from a county containing a city of the first class.

b. Nor more than two city engineers only one of whom may be from a city of the first class.

c. Not more than two county officials only one of whom may be from a city of the first class.

d. Not more than two city officials only one of whom may be from a city of the first class.

5. No elected or appointed official may serve on the committee that represents a governmental unit or agency requesting the variance.

6. Operating procedure.

a. The committee shall meet on call from the commissioner at which time they shall elect a chairperson and establish their own procedure to investigate the requested variance.

b. The commissioner shall publish notice of the variance request in the STATE REGISTER and shall request comments from all interested parties be directed to the commissioner within 20 calendar days from date of publication.

(1) If a written objection is received a contested case hearing will be held as required by law.

c. The committee, after considering all data pertinent to the requested variance and considering the economic, social, safety and environmental impacts which will result from the requested variance, shall recommend to the commissioner an acceptance or rejection of the requested variance.

(1) If the committee recommends rejection of the requested variance a contested case hearing will be held as required by law.

d. If no objection to the requested variance is received and the committee recommends acceptance of the requested variance, the commissioner may approve said request and direct the state aid engineer to approve said variance.

(1) If the commissioner determined to deny the request, a contested case hearing will be held as required by law.

7. Criteria to be considered in evaluating a variance request:

a. Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

b. Economic considerations.

c. Effect on adjacent lands.

d. Number of persons affected.

e. Effect on future maintenance.

f. Safety considerations as they apply to:

(1) Pedestrians

(2) Bicyclists

(3) Motoring public

(4) Fire, police and emergency units

g. Other considerations as may be directed to or by the commissioner."

The Department's published amendments on variance elicited several comments as follows:

The City of St. Cloud objected to the costs of a contested case being borne by the local unit(s) of government and asks that the provision be removed. Later, St. Cloud agreed that the local unit of government should bear the cost of a variance request but any objector to that request should bear the cost of a contested case hearing.

The Minnesota Legislative Commission to Review Administrative Rules (LCRAR) objected to the charge of a $1,000 application fee for a variance request. The Commission advanced three reasons for its objection:

1. The fee is not authorized by statute;
2. Such fees could not legally be used for the stated purpose; and
3. The proposed fees and charges are excessive and unreasonable.

William G. Hansen, P.E., was critical of the proposed variance procedure, saying he found it difficult to follow and subject to different interpretations. He listed several points of confusion as follows:

"1. It is not clear if a contested case hearing is optional. In Section 3 it seems to be with wording "subject to"; however, in Section 6 it appears to be required with the wording "will be held". What if the unit of government is content with the reasons the commissioner or a committee may give for rejection?

2. Are "comments" in writing considered to be "objections"? We believe there should be another opportunity for comment after a decision is made for both the unit of government and interested parties.

3. It is not clear whether the commissioner has three choices initially: approve, deny, or appoint a committee.

4. Twenty days does not seem to be an adequate response time for organizations that meet on a monthly basis and desire to take official action. Sixty days would seem more realistic.

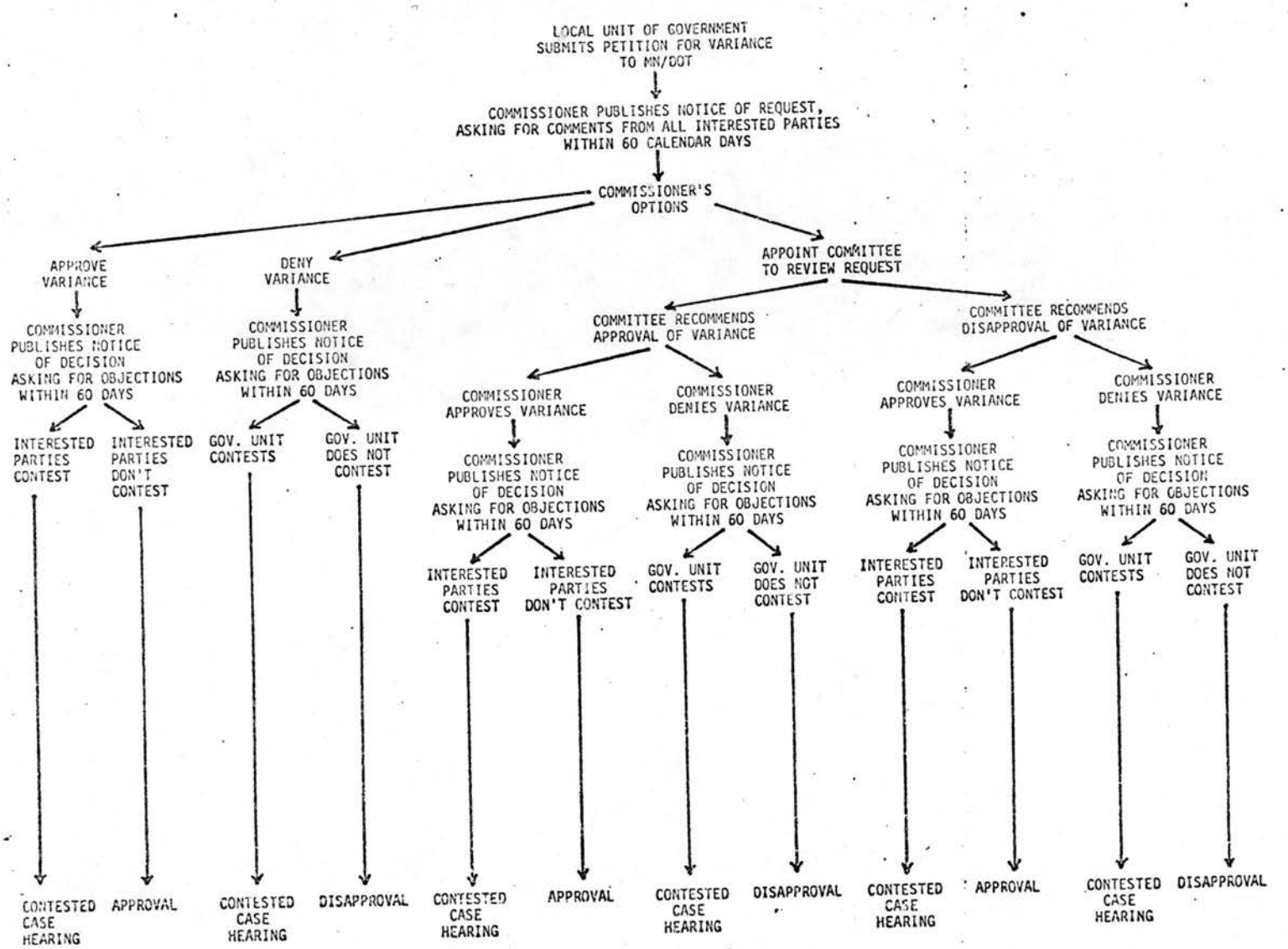
5. What is a contested case hearing? How does it function? Is there an appeal process available? If so, does this lead to a court case? We believe the entire process should be defined clearly such that decision makers better understand what is involved.

6. In the case of a variance, who assumes the liability for the sub-standard design? In Section 6-d it appars to be the commissioner; however, it could be any engineer that signs the plans. What if the commissioner is not a registered engineer?

7. Are Federal design standards subject to the variance? How does a variance affect Federal funding?"

The writer submitted his own proposed variance approval process in diagrammatic form as follows:

SUGGESTED VARIANCE APPROVAL PROCESS



The UWE-COACT of Duluth wrote that the variance procedure should include citizen representation on the committee. They also feel that a provision should be made for citizens' organizations, other than a governmental unit, to be able to make a formal request for a variance. They also feel the Commissioner should have discretion to waive the $1,000 fee. They also suggest that in cases of "small" variances (to be interpreted by the Commissioner), the Commissioner should be able to grant the variance request without going through the variance committee process.

The Arrowhead Regional Development Commission identified the proposed provision of a variance procedure as being particularly beneficial.

State Representative Jim Pehler, District 17B, objected to the proposed make-up of the variance committee. He proposes that the committee provision should be changed to include one city or county engineer, one city or county official, and three representatives of the public. He thinks the public members will more closely identify with neighborhood concerns. He also feels that the public interests are best served if only a political subdivision can request a variance. However, he also proposes that one member of an elected governmental body may force a contested case hearing in those instances where the body splits its vote in deciding to not seek a variance. In this way, an objecting member of the elected body can get the request of citizens who desire a variance heard.

The Metropolitan Interstate Committee, Duluth, wants favorable consideration of the variance committee because it provides more flexibility and discretion to local units of government. The City of St. Cloud writes that a citizen should be included on the variance committee. St. Cloud also feels that the listed criteria to be considered by the variance committee should include consideration of existing laws. St. Cloud also feels that the variance committee should be able to establish conditions or stipulations in making a recommendation to the Commissioner rather than just recommending unconditional approval or disapproval. The City feels this should be specifically provided for in the rules otherwise the stage is set for denial in most cases. St. Cloud feels that the provision whereby anyone who objects to the Commissioner's notice of a variance request can thereby force a contested case hearing is imprudent. The City says there should be more restricton and delineation of the means by which the hearing process can be triggered.

The City of St. Paul is concerned about the proper definition of a variance. They feel the term "variance" should be defined and they recommend the following:

> "The formal appeal procedure available to local authorities when agreement cannot be reached with the Commissioner."

At the hearing, Hennepin County was concerned that an environmental impact study would be made necessary by the criteria and wanted it clarified. The Department does not think that the criteria make that requirement as written.

At the hearing, the Department made additional, unpublished amendments to the variance provisions as follows:

M. Variance

1. Any formal request by a political subdivision for a variance from these rules shall be submitted to the commissioner in writing.

P. 71 ✓

2. Contents of Request:

   a. The specific rule or standard for which the variance is requested.

   b. The reasons for the request.

   c. The economic, social, safety and environmental impacts which may result from the requested variance.

   d. Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

   e. Effect on adjacent lands.

   f. Number of persons affected.

   g. Safety considerations as they apply to:

      (1) Pedestrians.

      (2) Bicyclists.

      (3) Motoring public.

      (4) Fire, Police and Emergency Units.

3. The commissioner shall publish notice of the variance request in the State Register and shall request comments from all interested parties be directed to the Commissioner within 20 calendar days from date of publication.

4. The commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. No elected or appointed official that represents a political subdivision requesting the variance may serve on the committee.

   a. The Committee shall consist of any five of the following persons:

      (1) Not more than two county engineers only one of whom may be from a city of the first class.

      (2) Not more than two city engineers only one of whom may be from a city of the first class

      (3) Not more than two county officials only one of whom may be from a county containing a city of the first class and

      (4) Not more than two city officials only one of whom may be from a city of the first class.

   b. Operating Procedure.

      (1) The committee shall meet on call from the commissioner at which time it shall elect a chairperson and establish its own procedure to investigate the requested variance.

      (2) The committee shall consider:

         (a) The economic, social, safety and environmental impacts which may result from the requested variance in addition to the following criteria:

(b) Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

(c) Effect on adjacent lands.

(d) Number of persons affected.

(e) Effect on future maintenance.

(f) Safety considerations as they apply to:

(1) Pedestrians

(2) Bicyclists

(3) Motoring public

(4) Fire, police and emergency units.

(g) Other considerations as may be directed to or by the commissioner.

(h) Effect that the rule and standards may have in imposing an undue burden on a political subdivision.

(3) The committee after considering all data pertinent to the requested variance shall recommend to the Commissoner approval or disapproval of the request.

5. The commissioner shall base his decision on the criteria as specified in 14 MCAR § 1.5032 M.4.b.(2), (a) and (h) and shall notify the political subdivision in writing of his decision.

6. Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law.

In a written comment after the hearing, St. Cloud stated it supports the changes made by the Department in respect to criteria to be considered by the variance committee.

At the hearing, St. Paul indicated that variance was one of its major concerns, but, with the new amendments, that part now seems to be acceptable.

The Legislative Commission to Review Administrative Rules submitted a written comment after the hearing and stated that it supports the Department's new amendments on variance made at the hearing and that the Commission urges the adoption of the new proposed rule.

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Minnesota Department of Transportation, and all of the substantive and due process requirements of statutes, rules and constitutions have been met .

2. The Department has documented its statutory authority to promulgate the proposed rules and amendments.

3. The Department has demonstrated the need for the proposed rules.

4. The Department has demonstrated the reasonableness of the proposed rules.

5. The amended rules for state-aid operations under Minnesota Statutes 1978, Chapters 161 and 162 (14 MCAR § 1.5302), as proposed and amended by the Minnesota Department of Transportation, should be adopted.

DISCUSSION

The primary reason for the extensive overhaul of the DOT state-aid rules is based in major changes in Minnesota statutes regarding the establishment of engineering standards and the adoption of variance procedures. Thus, the rules proposed by the Department are designed to conform to existing laws. As noted in the background of this hearing, extensive effort was put forth by many people from various segments and strata of the state. The proposed rules are a result and recommendation of those involved in those efforts. Many of the comments of objection now made in this hearing are the same objections heard by the Advisory Committee. It must be understood that an overriding consideration in drafting new rules and amendments is that conformity to existing laws is necessary. Thus, the proposed rules are proposed in their form described herein because they were made to fit existing laws and there is not as much discretion in adopting new rules as might appear. Many of the objections raised, thus, come about because of necessary provisions and language in the proposed rules. By the same token, however, many of the objections, if not all of them, are also satisfied by the existence of those laws and the rules based on those laws.

Columbia Heights' concerns about local discretion and defining "restoration" are protected by the existing laws and the proposed rules. The rules, themselves, take care of the concern for local input by basing the standards and procedures on local people. If the concern is that a municipality be able to decide that any street can qualify for state-aid, that, of course, would be contrary to the need for any rules. There is no suggestion that rules are not needed. Regarding "restoration", there need not be concern here of its interpretation because the rules conform specifically to existing statutes on county and municipal roadways, e.g., see, Minn. Stat. §§ 161.082 and 161.083.

St. Cloud is concerned about inconsistencies in the tables for roadway geometric design standards and classifications because of overlapping of classifications. Some overlapping is necessary and unavoidable. Since decisions in this area are initially made at the local level, there will be inconsistencies in classifying roadways. It is up to the local engineer to make that determination and the classification by a local engineer in St. Cloud might well differ from that of the local engineer in International Falls. The overlapping, or any inconsistencies, do not pose a serious problem.

St. Paul and the Department of Natural Resources objected to the minimums in the standards regarding roadway widths. These objections, or concerns, are taken care of by the variance procedure.

The City of Marshall wanted one-way streets to be included in the standards. One-way streets are a function of the screening committee and not actually a part of the standards. However, it was pointed out above that one-way streets are not intended to be excluded by the Department and the proposed rules do specifically refer to one-way streets mileage allotments.

The intradepartmental (DOT) memorandum recommends wider road recovery and shoulders, along with surfacing. This comment is contrary to that of others who think the standards have been too high and want them reduced. The memorandum was concerned with rural roadways and that is where, if any place, the reduced standards are most appropriate. The DOT memo also objected to diagonal

parking. The hazards of diagonal parking are well-known, even to non-engineers, but some local areas still insist on that mode of parking for various reasons.

Mr. Hansen, P.E., from St. Cloud wants bridge widths included in the standards for urban roadways. Bridges oftentimes reflect local problems. Regarding the state standards, however, the width of bridges is not a problem because it is built at least as wide as the approach roadway(s). A freeway is also considered to be a part of the metropolitan (or city's) roads network and, thus, Mr. Hansen's suggestion to delete "along with freeway systems" would not be appropriate. Mr. Hansen raised a number of questions as pointed out above. These questions consist of the kinds of things the statutes and proposed rules intend to cover and it seems that application of those statutes and proposed rules would provide the answers to those questions.

Hennepin County made a suggestion relative to plans and estimates being a matter of agreement between the County and the Dot. It can be foreseen that the DOT would not have the necessary staff available in the district. Another problem with that suggestion is that the state acts as the agent on local jobs with federal money and thus cannot be cut out of the picture.

St. Cloud raises the question of the cost of a variance case. The proposed rules do not place the burden of that cost on local units.

St. Paul asks that a variance be defined. This is unnecessary and may even prove to be too confining. As it is, under the proposed rules, anything that does not come under the standards is subject to a variance request and will be processed as such.

Several comments were made relative to citizen participation in the variance process, ranging from a variance request to being on the variance committee. The Examiner believes that the proposed rules should be adopted regarding variance. While citizen participation is to be desired and encouraged, the Examiner can visualize a breakdown in the rules, if everyone had the standing to make a variance request. The Department could end up being completely tied up in variance proceedings. Furthermore, the concept of representative government - at all levels - would be rendered meaningless in this area. Regarding citizen participation on the variance committee, the same holds true, i.e., the representative form of government should be allowed to function. Variance committees need knowledgeable people, namely those listed in the proposed rules. Citizen participation comes especially at the local level of government and the input there is substantial, or, at least, it can be substantial.

RECOMMENDATION

By reason of the foregoing, the Examiner recomnends to the Commissioner of the Minnesota Department of Transportation that he adopt the proposed amended rules herein, identified as 14 MCAR § 1.5032, State-Aid Operations.

Dated this 23rd day of May, 1980.

George Dewetich

GEORGE DEWETICH
Hearing Examiner

Rules As Proposed attached

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, chs. 161 and 162, as amended.	NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978) in Room 81, State Office Building, 435 Park Street (Between Aurora and Fuller), Saint Paul, Minnesota on April 17, 1980 at 10:00 A.M.

All interested or affected persons will have an opportunity to participate concerning the adoption of proposed amended rules relating to State-Aid operations under Minnesota Statues 1978, chs. 161 and 162, as amended. Statements may be made orally and written material may be submitted at the hearing. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Deretich, Hearing Examiner, Office of Hearing Examiners, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8116, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the Hearing Examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become a part of the record for this proceeding. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411 to 15.0412 and § 15.052; as well as by 9 MCAR §§ 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

NOTICE IS HEREBY GIVEN that twenty-five (25) days prior to the hearing a Statement of Need and Reasonableness will be available for review at the Department of Transportation address given immediately below and at the Office of Hearing Examiners. This Statment of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Department at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statment of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. The statutory authority of the Department of Transportation to adopt and promulgate these rules is provided in Minn. Stat. chs. 161 and 162 (1978 and 1979 Supp.). The proposed amended rules, if adopted, would:

(1) Provide new working definitions for State-Aid Engineer and District Engineer;

(2) Establish a committee and the means to investigate and make recommendations to the Commissioner of Transportation on requests for variances from the rules;

(3) Increase the Municipal State-Aid Street (MSAS) system from 2,000 miles to 2,500 miles in urban municipalities;

(4) Provide and allow, for MSAS mileage purposes, that 28 foot undivided one-way streets with no parking lanes would be chargeable at one-half of the total length;

(5) Change the language requiring County State-Aid Highway (CSAH) and MSAS systems to be permissively (may) approved by the Commissioner of Transportation, rather than manditorily (shall) approved;

(6) No longer specify that CSAH and MSAS systems need only meet the criteria and requirements of these rules in order to be so designated;

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

(7) Correct the citation in the Minnesota Code of State Agency Rules (MCAR) pertaining to the Local Road Research Account;

(8) Renumber certain provisions;

(9) Correct citations to Minnesota Statutes;

(10) Abolish and substitute new (renumbered) language setting forth an administrative process which would require a public hearing to transfer advances (monies) from the County Municipal Account to the County Regular Account;

(11) Reduce the span length from 20 to 10 feet used to define town bridges where replacement or reconstruction is considered and increase payment for such town bridges from fifty to ninety percent;

(12) Provide new geometric design standards, clearance standards, and other roadway standards for CSAH and MSAS systems;

(13) Provide new language pertaining to preparation, review, and approval of plans.

A copy of the proposed rules is attached. Additional copies of the proposed rules are now available and one free copy may be obtained by writing to: Gordon M. Fay, State-Aid Engineer, Room 420, Transportation Building, Saint Paul, Minnesota 55155. The rules will be available at the door on the date of the hearing.

The proposed rules are subject to change as a result of the rule hearing process. The Department of Transportation therefore strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been sumitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report) or to the Department (in the case of the department's submission or resubmission to the Attorney General).

The Department expects that fifty to one hundred persons may attend the hearing and it estimates that one to two hours will be necessary for the Department to present its evidence at the hearing.

It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies of government to implement the rule for the two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. ch. 10A provides that an individual appearing at a rules hearing is a lobbyist if he or she is:

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his or her own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his or her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials;

"Communicating with public officials" includes, but is not limited to, testifying at rulemaking hearings where the public officials' decisions will be based on the hearing record.

The following individuals are not lobbyists even if they meet the above criteria:

(a) Public officials or employees of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individuals while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, comments or paid advertisements which directly or indirectly urge official action;

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250.00, excluding his own travel expenses, in any year in communicating with public officials.

An individual who falls within the lobbyist definition shall register with the Ethical Practices Board within five days of becoming a lobbyist.

Lobbyist registration forms may be obtained by writing the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, or telephoning (612) 296-5615. Please contact the Board if you have any questions concerning lobbying registration and reporting requirements.

Richard P. Braun
Commissioner

Amendments as Proposed

14 MCAR § 1.5032 Rules for State-Aid operations under Minnesota Statutes ~~1974~~ 1978, Chapters 161 and 162, as amended.

A. Purpose. The purpose of 14 MCAR § 1.5032 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes ~~1974~~, 1978, Chapter 162, as amended.

B. Scope. The scope of 14 MCAR § 1.5032 is confined within the framework of and consistent with Minnesota Statutes ~~1974~~ 1978, Chapters 161 and 162, as amended.

C. Definitions. For purposes of 14 MCAR § 1.5032 the following terms shall mean:

1. Commissioner. The Commissioner of Transportation.

2. State-Aid Engineer. A registered engineer employed as the State-Aid engineer of the Minnesota Department of Transportation.

3. District Engineer. A district engineer of the Minnesota Department of Transportation or a registered engineer employed as his State-Aid assistant.

4. County Engineer. A registered engineer employed as the county engineer or the director of public works-county engineer of each county.

5. City Engineer. A registered engineer employed as the city engineer or the director of public works-city engineer of each urban municipality.

6. Needs Report. A report of the estimated construction cost required to improve a State-Aid system to standards adequate for future traffic on a uniform basis.

7. County-Municipal Account. A separate record of that portion of the County State-Aid highway funds allocated for expenditure solely within cities, having less than 5,000 population.

8. Urban Municipality. Any city, having 5,000 or more population, determined in accordance with the provisions of law.

9. Local Highway or Street Departments. The highway or appropriate department of each county and each urban municipality.

10. Township Allotment. The county apportionment of County State-Aid highway funds for use in the construction of township roads.

11. Advance Encumbrance. The authorized expenditure of local funds, in lieu of State-Aid funds, by a county or urban municipality for use on an approved

State-Aid project. By agreement with the commissioner, the local 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.

12. Screening Committee. The county or municipal committee, appointed in accordance with law, and authorized to recommend to the commissioner the mileage and money needs for each of their State-Aid systems.

13. Disaster Account. The accounts provided by law for use in aiding a county or urban municipality that has suffered a serious damage to its County State-Aid highway system or Municipal State-Aid street system from fire, flood, tornado or other uncontrollable forces of such proportion that the cost of repairs to such County State-Aid highway system or Municipal State-Aid street system is beyond the normal resources of the county or urban municipality.

14. Trunk Highway Turnback. A former trunk highway or portion thereof that has reverted to a county or municipality in accordance with law.

15. Turnback Accounts. The respective accounts provided by law for payment to the county for the restoration or urban municipality for the reconstruction and

improvement of former trunk highways that have reverted to the county or municipality and have become part of the State-Aid system.

16. Disaster Committee. A committee, appointed in accordance with the law, to investigate and report its findings and recommendations to the commissioner as to a county's or urban municipality's claim of a disaster or unforeseen event affecting its County State-Aid highway or Municipal State-Aid street system and resulting in a financial hardship.

17. Local Road Research Board. A board appointed in accordance with these rules to recommend specific research projects to the commissioner.

18. Town Bridge Needs. The estimated construction costs required to improve or replace town bridges to standards adequate for future traffic on a uniform basis.

19. Town Bridge Account. The apportionment of County State-Aid turnback funds for use in the construction or reconstruction of bridges on township roads.

20. Functional Classification Plan. A plan by which highways and streets are grouped into classes according to the character of service they are intended to provide.

21. Variance committee. A committee appointed in accordance with these rules to investigate and make recommendations to the commissioner on requests for variances from these rules.

D. Organization and Powers of Local Highway Departments. Each county and each urban municipality shall establish and maintain a highway or street department. Such departments shall be adequately organized, staffed, and equipped to administer for the county or urban municipality all matters relating to the operations of the State-Aid program and to exercise all functions, incidental thereto, in accordance with law. All preparation of plans and specifications, and the supervision of construction and maintenance shall be under the control and direction of a professional engineer, registered in the State of Minnesota and employed or retained for that purpose.

E. Selection and Designation of State-Aid Systems. The State-Aid highways and streets designated to form the basis for a long range improvement program shall, in general, be so selected as to form an integrated network of highways and streets in accordance with the following provisions:

1. Systems.

a. Final selection of routes to be included in the respective County State-Aid and Municipal

State-Aid systems shall be subject to the approval of the commissioner.

b. The highway and street systems to be selected and designated in accordance with law are:

(1) County State-Aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage.

(2) Municipal State-Aid Street system not exceeding ~~2,000~~ 2500 miles in extent within urban municipalities, excluding trunk highway turnback mileage.

(a.) On 28' undivided one-way streets with no parking lanes, the chargeable mileage allowed for municipal state aid street mileage purposes shall be one-half of the length of the one-way street.

2. Criteria. State-Aid routes shall be selected on the basis of the following criteria:

a. County State-Aid highways which:

(1) Carry relatively heavier traffic volumes or are functional classified as collector

or arterial as identified on the county's functional plans as approved by the county board;

(2) And connect towns, communities, shipping points, and markets within a county or in adjacent counties;

(a) Or provide access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas;

(b) Or serve as principal rural mail routes and school bus routes;

(3) And occur at reasonable intervals consistent with the density of population;

(4) And provide an integrated and coordinated highway system, affording within practical limits a State-Aid highway network consistent with traffic demands.

b. Municipal State-Aid streets which:

(1) Carry relatively heavier traffic volumes or are functionally classified as collector or arterial as identified on the urban

municipality's functional plan as approved by the urban municipality's governing body;

(2) And connect the points of major traffic interest within an urban municipality;

(3) And provide an integrated street system affording within practical limits a State-Aid street network consistent with traffic demands.

3. Route Designations. All County State-Aid highways and Municipal State-Aid streets shall be selected by resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. Within three months after receipt by the commissioner of each such resolution and recommendation he ~~shall~~ may approve all or such part of said highway or street designations contained in the resolution, as complies with the criteria and other requirements ~~set out in these rules~~. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of their resolution. All

highways or streets so approved shall become a part of the County State-Aid highway system or the Municipal State-Aid street system, subject to such additions or revisions as may be, from time to time, requested and approved.

a. 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 or city engineer, which portions of the turnback are eligible for designation as part of its State-Aid system. Upon a request for the designation of such eligible portions 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 committee of this action.

F. State-Aid Apportionments. All State-Aid apportionments shall be made from the County State-Aid highway fund and the Municipal State-Aid street fund as provided by law. Apportionments to the respective counties and urban municipalities shall be released in accordance with 14 MCAR § 1.5032 G.

1. Money Needs.

a. Construction Costs Estimates. To provide data to implement the formulas for State-Aid apportionment, each county engineer and city engineer shall prepare cost estimates of construction required to improve his County State-Aid or Municipal State-Aid system to approved standards.

b. Incidental Costs. In addition to the direct construction or maintenance costs permitted under law, the cost of the following incidental items will be considered as eligible for inclusion in the total estimate of needs:

(1) County State-Aid highways:

(a) Automatic traffic control signals.

(b) Lighting of intersections and bridges within approved standards.

(c) Proportionate share of all drainage costs within municipalities, to reflect the responsibility of the State-Aid highway.

(2) Municipal State-Aid streets:

(a) Right-of-Way.

(b) Automatic traffic control signals.

(c) Lighting of intersections and bridges within approved standards.

(d) Proportionate share of all drainage costs, to reflect the responsibility of the State-Aid street.

c. Deductible Items. The respective screening committees shall consider reports from the commissioner, consisting of, but not limited to, the County State-Aid allotments to townships, or the Municipal State-Aid payments on state trunk highways or County State-Aid highways, covering all said allotments or payments made during the preceding year; and shall recommend to the commissioner the amount of deductions to be made in the money needs for each such county or municipality, in order to equalize their status with other counties or municipalities not making similar expenditures.

2. Screening Committees.

a. Annual Reports. A detailed report of the State-Aid mileage and cost estimates shall be tabulated and referred to the respective screening committees appointed pursuant to

law. These committees shall investigate and review all such mileage, cost estimates and the reports of those expenditures listed under deductible items, and shall, on or before the first day of November of each year, submit their findings and recommendations in writing as to the mileage and adjusted money needs for each of the governmental subdivisions represented by the respective committees.

b. Local Road Research Account. Within the limitations provided by law, the respective screening committees shall annually determine, and recommend, the amount the commissioner shall set aside from the County State-Aid highway fund or the Municipal State-Aid street fund, for the purpose of local road research. These funds, along with such Federal funds as may be provided, shall be used for conducting research as provided by law. The use and proportionate share of such county and municipal funds shall be as specifically authorized in the project approval as provided for in 14 MCAR § 1.5032 L., ~~5.; e.;(2).~~ 3.,b.

3. Compilation of Data by Commissioner. The commissioner shall determine the apportionment percentage due each county and urban municipality in accordance with the formulas established by law.

4. Notice of Annual Apportionment. Not later than January 25 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

G. State-Aid payments. Annual apportionments to the respective counties and to urban municipalities shall be released in the following manner:

1. Maintenance Apportionments. As soon as the annual county and urban municipal State-Aid allotments have been determined, the commissioner shall apportion and set aside the following amounts:

a. County - Regular Account. Forty percent of the regular County State-Aid allotment for the general maintenance of County State-Aid highways.

b. County - Municipal Account. Forty percent of the County-Municipal Account allotment for the maintenance of County-State-Aid highways within municipalities of less than 5,000 population.

c. Revisions of county maintenance apportionments. The commissioner may, upon recommendation of the screening committee or upon receipt of a resolution from a county board, and for good cause shown, increase or decrease the proportion

to be used for maintenance under either 14 MCAR § 1.5032 G., 1., a. and/or b. above.

d. Urban Account. Twenty-five percent of the total allocation, or $1,500.00 per mile of improved municipal State-Aid streets, whichever is the least, as the minimum allotment for the general maintenance of the approved State-Aid system. The commissioner may modify the minimum payment to the extent necessary to accommodate the screening committee resolutions pertaining to trunk highway turnback maintenance allowances. Those municipalities desiring to receive an amount greater than the established minimum shall file a request not later than December 15 preceding the annual allocation and shall agree to file a detailed annual maintenance expenditure report at the end of the year.

e. Transfer of Unexpended Balance. Any unobligated balance remaining in the State-Aid maintenance account to the credit of any county or urban municipality, after final settlement has been made for the annual maintenance expenditures, shall be automatically transferred to the construction account of said county or municipality

f. 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:

(1) Fifty percent of the maintenance allotment from the regular account of each county.

(2) Fifty percent of the maintenance allotment from the municipal account of each county that has filed a request for advance payments prior to the annual apportionment in January of each year. Such request shall include the estimate of the maintenance expenditures anticipated within said account during the calendar year.

(3) Fifty percent of the maintenance allotment to each urban municipality.

g. 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 forty percent of the total maintenance allocations. The commissioner shall retain the remaining amounts within said allocations pending determination of the final amount due, based upon a report of actual maintenance expenditures and receipt

of the district engineer's certification of acceptable maintenance performance. Urban municipalities receiving the minimum maintenance allotment as outlined in 14 MCAR § 1.5032 G., 1., d. above will be eligible to receive the balance remaining in their maintenance account upon the commissioner's receipt of the district engineer's certification of acceptable maintenance.

2. Construction Apportionments. The construction portion of the annual allocation to each county and urban municipality shall be credited to their respective accounts and retained by the Commissioner for payment on approved projects in accordance with the following procedure:

   a. State-Aid Contracts. The Commissioner, upon receipt of an abstract of bids and a certification as to the execution of a contract and bond therein, shall promptly release from the funds available to said county or urban municipality up to ninety percent of the State-Aid portion of said contract. The commissioner, unless otherwise requested, shall retain the remaining percentage of the State-Aid share of said contract, provided funds are available therefor, until the final cost is determined and the project acccepted by the district engineer.

b. Federal-Aid Contracts. The commissioner, under authority of an agency agreement with the governing body of a county or urban municipality, and acting as its agent in Federal-Aid operations, will release from State-Aid funds available therefor, ninety percent of the county's or urban municipality's share of the entire contract obligation for immediate redeposit in an agency account, to be used in paying the county's or urban municipality's share of the partial estimates and for advancing the federal share of such estimate payments. The commissioner shall retain the remaining percentage of the contract cost of said project until the final cost is determined and the project accepted by the district engineer. Where other than State-Aid funds are to be used for depositing in the agency account, one hundred percent of the local governmental share of said contract amounts shall be deposited in the agency account prior to award of the contract.

c. Force Account Agreements. Partial estimates will be accepted on all projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall promptly release from funds available therefor ninety

percent of the cost of current accomplishments as reported by said partial estimates. Upon request of the county or urban municipality, the commissioner will set aside and retain their State-Aid funds in an amount equal to the agreed total cost of the entire project to ensure final settlement of the completed construction when final estimate is submitted and upon acceptance by the district engineer.

d. Payment Limitations. Approval of State-Aid projects by the Commissioner does not imply that State-Aid payments will be made in excess of the construction funds available from current State-Aid allotments. Any county or urban municipality having depleted their currently available funds during the calendar year will not be eligible for reimbursement from future allotments unless request for advance encumbrance has been approved or a project is completed in a subsequent year and funds are available.

e. Engineering Costs.

(1) Preliminary Engineering. Requests for reimbursement of preliminary engineering costs shall be submitted with the report of State-Aid contract or with the initial

partial estimate on an approved force account project. The commissioner shall upon receipt of such request supplemented by such documentation as may be requested by the commissioner authorize the reimbursement for actual engineering costs, not to exceed eight percent of the total estimated contract or agreement amount.

(2) Construction Engineering. Requests for payment of construction engineering costs shall be submitted along with the final estimate report. The commissioner shall upon receipt of such request, authorize a construction engineering payment which will either be limited to five percent of the eligible construction costs where there are no unusual traffic or construction problems, or which may at the commissioner's discretion be paid in the maximum amount of ten percent of said construction costs on complex projects involving difficult construction features or the continuous movement of dense traffic.

f. Right-of-Way. State-Aid payments for right-of-way costs on approved projects shall be limited to ninety percent of the approved claim until the acquisition of all right-of-

way required for the project is actually completed and the final costs established.

g. Advances from County Funds. When the commissioner approves a request from the county board for the construction of an approved County State-Aid project, which requires County State-Aid highway funds in excess of the available allotment and which excess costs will be initially paid for from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay those locally financed expenditures out of subsequent construction apportionments to the county's State-Aid accounts in accordance with the terms and conditions specified in the approved request.

h. Advance of County State-Aid Highway Funds.

~~(1)~~ Advance of County Regular Account Funds to County Municipal Account Fund. Where the commissioner approves a request from the county board for the advance of county regular account funds for use on a municipal section of an approved County State-Aid highway project, and where repayments to the county regular account fund are to be made from subsequent accruals to the county municipal account fund, such repayments will be made by the commissioner,

to the extent authorized by law, in the form of transfers from the county municipal account fund to the county regular account fund, in the amounts and at the time specified in the authorization.

~~(2) Advance of County Municipal Account Funds to County Regular Account Fund. The commissioner may approve a request from a county board for the advance of County Municipal Account funds for use on an approved County State Aid highway project provided that notification pursuant to law has been given those municipalities within the county having a population less than 5,000. Advances from the county municipal account fund to the county regular account fund must be repaid to the county municipal account fund from moneys accruing to the county regular account fund within a maximum of five years unless the terms and conditions of repayment are otherwise agreed by the county and the governing bodies of those cities within the county having a population of less than 5,000. Repayments will be made by the commissioner to the extent authorized by law, in the form of transfers from the county regular account fund to the county municipal account fund, in the amounts and at the time specified in the agreement.~~

i. Advances from Urban Municipal Funds. When the commissioner approves a request from the governing body of an eligible urban municipality for the construction of an approved Municipal State-Aid street project, which requires funds in excess of the available allotment and which excess costs will be initially paid from other local sources, then and in that event, the commissioner will, to the extent authorized by law, repay these locally financed expenditures out of subsequent construction apportionments to the urban municipal account of that municipality in accordance with the terms and conditions specified in the approved request.

j. County or Municipal Bond Account. Any 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, construction, reconstructing or improving State-Aid streets or highways under its jurisdiction shall certify to the commissioner within thirty 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 therefor, itemizing the total amount of principal and interest

involved and he 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. 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 intends to expend bond funds on a specific State-Aid project shall notify the commissioner of this intent forthwith upon the award of contract or the execution of a force account agreement. Upon completion of each such project, a statement of final construction costs shall be furnished to the commissioner by the county or the urban municipality.

k. Municipal State-Aid Funds for County State-Aid or Trunk Highway Projects. The governing body of an urban municipality desiring to use a portion of its State-Aid funds for improvements within its boundaries of any state trunk highway or County State-Aid highway, shall request such authorization by resolution. Before any such funds are released for said purposes, the resolution shall be approved by the commissioner. A copy of the approved

resolution shall be filed with the State-Aid engineer. This subparagraph does not apply to payments made for interest on bonds sold under Laws of Minnesota 1959, Chapter 538 ~~and Laws of Minnesota 1965, Chapter 443~~.

3. Semi-annual statements. Within thirty days after the close of each six month period, the commissioner shall submit to each county or urban municipality semi-annual statements as to the status of its respective State-Aid accounts.

4. Other authorized payments. Certain specific allotments or transfers of State-Aid funds have been authorized by law. These will be processed as hereinafter provided:

   a. Transfers for Hardship Conditions or Other Local Use. The county board or governing body of any urban municipality desiring to use a part of its State-Aid funds for this purpose shall certify to the commissioner either that all of its existing State-Aid routes are improved to State-Aid standards or that it is experiencing a hardship condition in regard to financing its local roads or streets, while holding its current road and bridge levy equal to or greater than said levy for previous years. Where a hardship transfer is

requested, the commissioner may require fiscal information showing the extent of the financial deficiency. Within thirty days of the receipt of a request for transfer, the commissioner shall act to authorize or deny the transfer of State-Aid funds for use outside of the approved State-Aid system. Upon approval of the requested transfer, the commissioner without requiring any progress reports, shall within thirty days, authorize immediate payment of not less than fifty percent of the total amount authorized, with the balance to be paid within ninety days; or schedule immediate payment of the entire amount authorized if he determines there are sufficient funds available.

b. Township Allotments. Upon receipt of a certified copy of a county board resolution, allocating a specific amount of its County State-Aid construction funds for aid to its townships, which resolution shall indicate compliance with the law governing such allocations and be forwarded to the commissioner on or before the second Tuesday of January of each year, the commissioner shall authorize payment of the amount requested for distribution by the county for the construction of township roads.

c. Construction of Selected Park Projects. As

provided by law, a portion of the County State-Aid highway funds shall be set aside and used for the construction, reconstruction and improvement of County State-Aid highways which provide access to the headquarters of or the principal parking lot located within a state park. Such funds, so set aside, may be expended for this purpose only on a request from the Commissioner of Natural Resources. Projects so selected will be approved by the Commissioner of Transportation in accordance with the procedure established for other State-Aid operations.

d. Disaster Account. Any disaster appropriation approved by the Commissioner for a county or urban municipality in accordance with law, shall be promptly paid to the county or urban municipality for which such appropriation was authorized. The funds so allotted and paid to the county or urban municipality can only be spent for the purpose for which they were authorized, and within a reasonable time period specified by the commissioner. Forthwith upon completion of the work for which the disaster payment was made, or the expiration of the time specified for doing such work, whichever occurs first, the county or urban municipality shall file a report certifying

the extent of the authorized work completed, and showing the total expenditure made therein. In the event the total disaster allotment was not required or used for the purpose specified, the remainder shall be promptly returned to the commissioner for redeposit in the County State-Aid highway fund or the Municipal State-Aid street fund, as the case may be, and apportioned by law. Damage estimates submitted by a county or urban municipality must exceed ten percent of the current annual State-Aid allotment to the county or urban municipality before the commissioner shall authorize the disaster committee to inspect the disaster area.

e. Research Account. County and Municipal State-aid funds that may be annually allocated to the research account shall be used solely for those research projects recommended by the local road research board and approved by the commissioner. Unexpended balances in this account shall at the end of each year be transferred back to the State-Aid fund from which they were obtained.

f. Turnback Accounts. A percentage of the Net Highway User Tax Distribution Fund has been set aside by law and apportioned to separate

accounts in the County State-Aid highway fund and the Municipal State-Aid street fund, and respectively identified as the county turnback account and the municipal turnback account. Further, a percentage of the county turnback account has been set aside and shall be used for replacement or reconstruction of town bridges, ~~20~~, 10 feet or more in length, in those counties that have two or more towns, pursuant to law. This latter account shall be known as the county town bridge account.

(1) Town Bridge Monies Allocation. The sums of monies set aside for town bridges shall be allocated to the eligible counties on the basis of town bridge needs.

(2) Surplus Turnback Funds. At any time the commissioner determines that either the county or municipal turnback accounts, notwithstanding the townbridge accounts, has accumulated a surplus not needed for turnback purposes, he shall properly notify the Commissioner of Finance requesting the transfer of such surplus to the respective County State-Aid highway fund or Municipal State-Aid street fund for apportionment as provided by law.

(3) Advances from County or Urban Municipal Funds. When the commissioner approves a request from the governing body of a county or urban municipality for the construction of an approved County State-Aid or Municipal State-Aid turnback project which will require funds in excess of the available turnback fund balance and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will reimburse those locally financed expenditures out of subsequent apportionments to the county's or urban municipality's turnback fund in accordance with the terms and conditions specified in the approved request. The total of such advances to be reimbursed from the respective turnback funds shall not exceed forty percent of the last county or municipal turnback allotment. Any advances shall be repaid in accordance with the terms of the approved request from money accruing to the respective turnback funds.

(4) Advances from the 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 which will require funds in excess of the county's available town bridge account and which excess costs will be initially paid for from other sources, then and in that event, the commissioner will 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 such advances to be reimbursed from the town bridge account shall not exceed forty percent of the last town bridge apportionment. Any advances shall be repaid in accordance with terms of the approved request from monies accruing to the respective town bridge accounts.

(5) Release of Turnback Account Funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county or urban municipality from turnback account funds up to ninety percent of the turnback share of said contract. The commissioner shall retain the remaining percentage of the turnback share of said contract, until the final cost is determined

and the project accepted by the district engineer. On force account agreements partial estimates will be accepted on turnback projects approved for construction by local forces, using the agreed unit prices for determining the value of the completed work. The commissioner shall release from the respective turnback account ninety percent of the value as reported by said partial estimates on an eligible turnback project. Requests for reimbursement of preliminary and construction engineering costs on an eligible turnback project shall be submitted and payment will be authorized in accordance with 14 MCAR § 1.5032 G., 2., e. (1)., (2). engineering costs.

(6) Release of Town Bridge Account Funds. Upon receipt of an abstract of bids and a certification as to the execution of a contract and bond on an eligible project, the commissioner shall release to a county, from town bridge account funds, up to ninety percent of the town bridge account share of said contract. The commissioner shall retain the remaining ten percent until the final cost is determined and the project is accepted by the district engineer.

g. Transfer of accumulated county municipal account funds to county regular account fund. Upon receipt of a certified copy of a county board resolution requesting the transfer of a portion of or the total accumulated amount in the county municipal account fund, to the county regular account fund, the commissioner may transfer said funds provided:

(1) The county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider any objections by the governing bodies of cities within the county having a population of less than 5,000 and no written objection is filed with the commissioner by any such city within 14 days of that hearing.

(2) If within 14 days of the public hearing held by the county a city having a population of less than 5,000 files a written objection with the commissioner identifying a specific county state-aid highway within the city which is requested for improvement and the commissioner investigates the nature

of the requested improvement and finds the identified highway is not deficient in meeting minimum state-aid street standards or the county has shown evidence that the identified highway has been programmed for construction in the county's five-year capital improvement budget in a manner consistent with the county's transportation plan or there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

H. State-Aid Standards. ~~Subject to approval by the commissioner, geometric design standards shall be cooperatively determined for use on all County State Aid highways and Municipal State Aid streets.~~

1. Geometric Design Standards.

~~a. Adoption. The commissioner in cooperation with representatives of the Minnesota County Highway Engineers Association or the City Engineers Association of Minnesota, as the case may be, shall establish desirable minimum geometric design standards for use in improving County State Aid highways and Municipal State streets.~~

b.--Revisions.---When-need-for-revision-of-State Aid-standards-arises,-the-commissioner-shall confer-with-representatives-of-the-county or-city-engineers-associations-and-determine such-change-as-might-be-necessary-or-desirable, and-cause-such-change-to-be-made-in-the-same manner-as-outlined-above.

a. The following standards shall apply to all rural undivided roadways:

RURAL UNDIVIDED GEOMETRIC STANDARDS

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Surfacing	Design Strength	New & Rehabilitated Bridges (4)	Bridges to Remain	
								Width Curb-Curb	Width Curb-Curb	Structural Capacity
0-49	11'	1'	3:1	7'	30-50	Traffic Bound	--	24'	22'	H-15
50-99	11'	3'	3:1	9'	30-50	Traffic Bound	--	28'	22'	H-15
100-399	12'	4'	4:1	15'	40-50	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
400-749	12'	4'	4:1	20'	40-60	Paved	7 Ton Ult. 9 Ton	32'	24'	H-15
750-999	12'	6'	4:1	25'	40-60	Paved	7 Ton Ult. 9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	30'	40-60	Paved	9 Ton	40'	30'	H-15

(1) Applies to Slope Within Recovery Area Only.

(2) Obstacle Free (Measured from edge of Traffic Lane) Culverts with less than 27" Vert. height allowed without protection in recovery area.

(3) Subject to Terrain.

(4) Minimum widths listed shall apply, except that lesser widths may be approved upon justification where the bridge length exceeds 200' - HS-20 loading required.

b. The following standards shall apply to those roadways that meet indicated conditions:

SUBURBAN GEOMETRIC DESIGN STANDARDS*

Projected ADT	Lane Width	Shoulder Width	(1) Inslope	(2) Recovery Area	(3) Design Speed	Structural Design	New & Rehabilitated Bridges (4)	Bridges to Remain	
							Width Curb-Curb	Width Curb-Curb	Structural Capacity
Less Than 1000	12'	6'	4:1	20'	40	9 Ton	36'	28'	H-15
1000 & Over	12'	8'	4:1	20'	40	9 Ton	40'	30'	H-15

*This standard shall apply only when the project is located in an area where the following conditions exist:

1. A platted area or an area in a detailed development process, or
2. Physical restraints are present which prevent reasonable application of the Rural Design Standards.

(1) Applies to slope within recovery area only.

(2) Obstacle free (measured from edge of traffic lane).

(3) Desirable design speed 50 mph.

(4) Minimum widths shall apply, except that lesser widths may be approved upon sufficient justification where the bridge length exceeds 200'. HS-20 Loading required.

c. The following standards shall apply to all urban roadways:

URBAN ROADWAY WIDTHS

TOTAL WIDTH IN FEET
FACE TO FACE OF OUTER CURBS

No. of Through Lanes	Density	Undivided, No Parking Lanes	With Median, 4' Median	No Parking Lanes 14' Median	Undivided, With Parallel Parking Lanes One Side	Both Sides	With 4' Median and Two Parking Lanes
2 (Collector)	Low	28			34	40	
	High	32			36	46	
4 (Collector)	Low	46	50	60	56	64	70
	High	50	54	64	60	68	74
2 (Arterial)	Low	36			38	48	
4 (Arterial)	Low	50	54	64	60	68	74
	High	52	58	68	62	72	80
6 (Arterial)	High	76	82	92	86	96	104

URBAN ROADWAY CLASSIFICATION

CLASSIFICATION	FACILITY FUNCTION	DESIGN CHARACTER	TYPICAL TRIP LENGTH	ADT RANGE
Collector (Low Density)	Serves as feeder facility from neighborhood and local streets to the collector/arterial network. Also serves local access/ parking function for local business and residential development	Low to Moderate operating speeds of 20-25 mph.	Short -- generally less than 1/2 mile on this type facility	200-3000 ADT
Collector (High Density)	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts	Variable -- should provide for equal service to access and mobility	Variable	1000-7000 ADT
Arterial (Low Density)	Should serve intra-community travel. Augments high density arterial system	Some access control with emphasis on mobility	Variable	5000-10,000 ADT
Arterial (High Density)	Forms backbone of urban network along with freeway system. Serves as through facility. Also can serve major traffic generators such as shopping centers, stadiums, etc.	High. Must provide for through nature of traffic and also accounts for frequent turning movements. Control of access and width for separation of turning movements. Speeds generally 30-50 mph.	Longer -- usually greater than 1-2 miles	8000 ADT and up

d. The following minimum requirements shall apply to rural roadways on resurfacing projects:

SPECIAL RESURFACING PROJECTS

(Overlays)

COUNTY STATE AID HIGHWAYS

(Minimum Requirements)

Present A.D.T.	Strength In Tons Per Axle	Surface Type	Surface Width	Shldr - Shldr Width	Design Speed
Under 100	7	Paved	22	26	35
100 - 749	7	Paved	22	26	45
750 - 999	7	Paved	22	30	45
1000 - 2000	7	Paved	24	32	45
2001 - Over	.7 Ult 9	Paved	24	32	45

Widths of bridges to remain inplace must equal roadway pavement width

e. The following vertical clearances for underpasses shall apply:

VERTICAL CLEARANCES FOR UNDERPASSES

	Rural-Suburban Design Vertical Clearance	Urban Design Vertical Clearance
Highway under roadway bridge	16'4"	14'6"
Highway under railroad bridge	16'4"	14'6"
Highway under pedestrian bridge	17'4"	14'6"
Highway under sign structure	17'4"	14'6"
Railroad under roadway bridge	22'0"	22'0"

2. Specifications. Specifications for construction shall be the latest approved Minnesota Department of Transportation specifications, except as modified by special provisions which set forth conditions or requirements for work or materials not covered by the approved specifications, or which set forth conditions or requirements to meet exigencies of construction peculiar to the approved project.

3. Right-of-Way. The minimum widths of right-of-way for all State-Aid routes shall be not less than sixty feet within municipalities and sixty-six feet in rural areas, except for conditions where modifications can be justified to the satisfaction of the commissioner. Prior to construction the counties shall acquire control of such additional widths of Right-of-way in rural areas, as may be necessary to properly maintain the ditch section.

4. Parking Provisions

a. The following criteria must be used in establishing diagonal parking:

Minimum Design Standards for 45° & 60° Diagonal Parking

Parking Angle	Stall Width	Stall or Curb	Traffic Aisle Width	Length along Curb	1/2 Roadway Width (Minimum)	Present ADT	Legal Speed Limit
45°	9'	19.8'	13.0'	12.7'	33'	Less than 3000	30 MPH or less
60°	9'	21.0'	18.0'	10.4'	39'	Less than 3000	30 MPH or less
45°	9'	19.8'	25'	12.7'	45'	More than 3000	30 MPH or less
60°	9'	21.0'	30'	10.4'	51'	More than 3000	30 MPH or less

b. Diagonal parking provisions shall be established by cooperative agreement between the local road authority and the commissioner.

(1) The cooperative agreement shall indicate the angle of parking provide for pavement marking of the parking lanes and the provision that the road authority may alter parking provisions if traffic volumes exceed the design criteria.

c. The minimum design standards for roadways with parallel parking are shown in these rules under 14 MCAR 1.5032 H.,1.,c.

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

I. State-Aid Operations. State-Aid funds alloted to counties and urban municipalities shall be expended in accordance with the following provisions:

J. Maintenance.

a. The commissioner shall require a reasonable standard of maintenance on all State-Aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition and the traffic being served. This maintenance shall be considered to include, but shall not be limited to:

(1) The maintenance of all road surfaces, shoulders, ditches and slopes and the cutting of brush and weeds; affecting the respective state-aid systems;

(2) The maintenance and inspection of all bridges, culverts and other drainage structures; pursuant to Minnesota Statutes 165.03;

(3) The maintenance of all regulatory and direction signs, markers, traffic control devices and protective structures in conformance with the current manual on uniform traffic control devices affecting

the respective state-aid systems and ~~consistent with state-wide application;~~

(4) The striping of all pavements of 22 feet or more in width, consistent with the traffic service provided, and for which there are no pending improvements;

~~(5) The enforcement of parallel parking on any approved State-Aid project;~~

~~(6)~~ (5) The exclusion of advertising signs, billboards, buildings and other privately owned installations other than utilities of public interest from the right of way of any approved State-Aid projects.

(6) The installation of approved route markers on all rural County State-Aid Highways in accordance with the current manual on uniform traffic control devices.

b. Unsatisfactory Maintenance. When, in the opinion of the commissioner, the maintenance of any County or Municipal State-Aid route is determined to be unsatisfactory, he shall retain up to ten percent of the current annual maintenance apportionment to the responsible

county or urban municipality. Funds so retained shall be held to the credit of that county or urban municipality until the unsatisfactory condition has been corrected and a reasonable standard of maintenance is provided.

~~(1)--Route-Markers-Approved-route-markers shall-be-installed-on-all-rural-County State-Aid-highways-in-accordance-with the-current-manual-on-uniform-traffic control-devices.--Failure-to-comply with-this-requirement-shall-result in-the-withholding-of-ten-percent of-the-annual-maintenance-allocation until-such-markers-are-properly-installed.~~

?

See insertion of Rtemarker paragraph on p. 53

c. Biennial Report. The commissioner's biennial report to the legislature shall enumerate all such funds retained more than ninety days, together with an explanation for this action.

2. Construction. Survey, plans and estimates for all State-Aid projects shall be made by or under the immediate direction of the county or city engineer in accordance with standards as to form and arrangement prescribed by the commissioner.

a. Plans and Estimates. Plans and estimates for each State-Aid construction project must be submitted for review. Each plan shall show all 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 plans are approved by the State-Aid engineer prior to the award of contract or approval of a force account agreement shall be eligible for State-Aid contruction funds.

b. Project Numbers. Approved projects will be assigned State-Aid project project numbers and shall be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

c. Contract Information. Upon award of a State-Aid contract by any county or urban municipality the engineer thereof shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for said approved construction work.

d. Force Account. Any county or urban municipality desiring to use funds credited to it on a force account basis shall have its engineer file a

request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices, which shall be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out taxes and contractor's profit. Such requests shall contain a complete list of pay items and the unit prices at which it is proposed to do the work. Prior to the approval by the commissioner, the district engineer shall file his recommendations with the commissioner as to the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements shall be considered incidental work not eligible for State-Aid payment.

e. Project Reports. Prior to final acceptance of each construction project by the commissioner, the county engineer or the city engineer shall submit to the commissioner such final project records as the commissioner may deem necessary or desirable.

f. Project Payments. On all State-Aid construction projects, ~~the commissioner shall pay a maximum of ninety percent of the contract amount, or of each partial estimate in the case of force account agreements, until final acceptance of~~

~~the-completed-work.--Upon-receipt-of-required reports-and-data-and-a-recommendation-of-final acceptance-by-the-district-engineer,-the commissioner-shall,-within-the-limits-of funds-available-therefor,-authorize-final payment-for-said-project-within-the-limitation hereinbefore-established~~ payments will be made in accordance with 14 MCAR 1.5032 G., 2., a., b., c., d.

3. Turnback Accounts. The funds in the county and municipal turnback accounts shall be expended only as payments to a county or urban municipality for the approved reconstruction or improvement of those former trunk highways that have reverted to county or municipal jurisdiction and which meet the eligibility requirement as set forth herein. Further, a percentage of the county turnback account has been set aside, as provided by law, and shall be used for replacement or reconstruction of town road bridges that are ~~20~~ 10 feet or more in length in those counties that have two or more towns.

a. Eligibility

(1) Any former trunk highway reverted to county or urban municipal jurisdiction subsequent to July 1, 1965, and which is part of the County State-Aid highway or

Municipal State-Aid street systems, shall be eligible for payment from the respective turnback account ~~to the county or urban municipality of~~ for all costs covering the restoration or the reconstruction and improvement of said highways as detailed on approved plans. Approval of plans for the initial construction of such projects shall be limited to a period of five years from the date of reversion. After plan approval for the construction of 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 such approved project shall be advanced to construction status within one year after notification to the county or urban municipality that sufficient funds are available for the construction of said project. Payment for such reconstruction and improvement of any section will terminate all eligibility for reconstruction and improvement of that section with turnback funds.

(2) Any town bridge, ~~20~~ 10 feet or more in length, is eligible for replacement or reconstruction if after all pertinent data

supplied by local citizenry, local units of government, the Regional Development Commission or the Metropolitan Council, is reviewed by the county board and a formal resolution by the county board is adopted identifying the town bridge or bridges to be replaced or reconstructed. Payment to the counties will be limited to ~~fifty~~ ninety percent of the cost of the bridge, and will be made in accordance with 14 MCAR § 1.5032 G., 4., f.,(6).

b. Plan Approval and Construction Requirements. Plans for all County or Municipal State-Aid turnback or town bridge projects must be submitted to the commissioner and be approved before any reconstruction or improvement work is undertaken. All of the State-Aid rules that are consistent with the turnback regulations shall apply to all projects to be financed from the county or municipal turnback acccounts or the town bridge account.

c. Construction Authorization. As soon as the plans for a State-Aid turnback or town bridge project are approved, the county or urban municipality shall be furnished either an authorization to proceed with construction or a

notice that sufficient funds are not available within the applicable turnback account or town bridge account and that a priority has been established for said project for construction authorization as soon as funds are available. Where local funds are advanced by the county or urban municipality to construct an approved project for which sufficient funds are not available in the turnback account or town bridge account authorization to proceed with construction will be notification that the agreement for reimbursement of funds, in accordance with 14 MCAR § 1.5032 G., 4., f., (3) has been approved by the commissioner.

J. General Rules. In addition to those provisions heretofore mentioned, expenditures of State-Aid funds by any county or urban municipality shall conform to the following rules:

1. Legal Requirements. State-Aid construction projects shall comply with all federal, state, and local laws, together with all ordinances rules and regulations applicable to the work. Responsibility for compliance shall rest entirely with the local unit of government.

2. Bridge Plans. Plans for all bridge construction or bridge reconstruction projects shall be approved by the bridge engineer of the Minnesota Department of

Transportation prior to the approval by the State-Aid engineer.

3. Reports and Records. Annual reports, status maps, and all maintenance and construction reports and records shall be filed at the time and in the form specifically requested by the commissioner or his authorized representatives.

4. Non-compliance. The commissioner, upon determination that a county or urban municipality has failed to comply with the established State-Aid requirements, other than for unsatisfactory maintenance, or has failed to fulfill an obligation entered into for the maintenance or improvement of any portion of a state trunk highway or interstate route, shall determine the extent of the failure and the amount of such county's or urban municipality's apportionment that shall be retained until such time as suitable compliance is accomplished, or the obligation fulfilled, as the case may be. The amount withheld shall reasonably approximate the extent of the noncompliance or the value of the unfulfilled obligation.

5. Defective Work. Whenever unsatisfactory conditions are found to exist on an approved construction project, the district State-Aid engineer can, if necessary, order the suspension of all work affected

thereby until said condition is satisfactorily corrected. Failure to conform with such suspension order shall be considered willful non-compliance. All work or materials which fail to conform to the requirements of the contract or force account agreement shall be considered as defective. Unless the work is satisfactorily remedied or repaired before final acceptance is requested, the commissioner shall either withhold funds in accordance with paragraph 4., or shall establish the reasonable value of the defective work as the basis for settlement with the county or urban municipality.

6. Engineering and Technical Assistance. The commissioner may, as authorized by law, execute agreements with any county or urban municipality for technical assistance from the Department of Transportation. These services, if furnished, shall be paid for by the governmental subdivision at the rates established by the Department of Transportation.

K. General State-Aid Limitations. The extent of State-Aid participation on special items shall be limited as follows:

1. Lighting. The lighting of hazardous or accident-prone locations, were when concurred in by the traffic engineer of the Minnesota Department of Transportation shall be considered as eligible expense to the following extent:

a. New Construction. Cost of complete lighting at approved locations only on multiple-lanes.

b. Cost of lighting approved intersections on single-lane design.

c. Locations where the municipality would normally install lighting units are not considered as an eligible expense. The county or urban municipality shall furnish traffic information or other needed data to support its request.

d. Reconstruction. All costs incidental to the necessary revision or relocation of existing lighting facilities, up to and including the cost of completing the new base.

2. Traffic Control Signals. ~~Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval of the State Aid engineer. The extent of~~

a. State-Aid projects.

(1) Plans for the construction or reconstruction of all traffic control signals may be designed and certified by an electrical engineer registered in the State of Minnesota. see p.66

(a.)

The District State Aid Engineer may review said plans upon submittal by the local engineer and make recommendations to the State Aid Engineer. see p.66

(b.)

The State Aid Engineer may approve the electrical portion of said plan based on the certification by the electrical engineer, and the geometrics of the signal standards if in accordance with the current "Manual on Uniform Traffic Control Devices." deleted p.66

(2) Plans for the construction or reconstruction of all traffic control signals not certified by a registered electrical engineer shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the State Aid Engineer.

b. Federal-Aid projects.

(1) Plans for the construction or reconstruction of all traffic control signals shall be approved by the traffic engineer of the Minnesota Department of Transportation prior to the approval by the State Aid Engineer.

c. The extent of State Aid participation in all signal installations shall be determined by the State Aid engineer in relation to the proportion of State Aid routes involved at each installation.

~~State-Aid-participation-in-all-signal-installations shall-be-determined-by-the-State-Aid-engineer-in relation-to-the-proportion-of-State-Aid-routes involved-at-each-installation.~~

3. Right-of-Way. The cost of any lands and properties required to accommodate the design width of the street or highway as governed by the State-Aid standards, including necessary width for sidewalks, shall be considered as eligible expense. This cost may include relocation and moving costs as provided by law and may include damages to other lands if reasonably justified to the satisfaction of the commissioner.

4. Sidewalks. On County State-Aid projects, sidewalks shall be considered as an eligible expense only where the proposed construction necessitates the alteration of existing walks. On Municipal State-Aid street projects, State-Aid payment for sidewalk may be made when requested by the urban municipality.

5. Storm Sewers. Plans containing items for storm drainage shall be reviewed by the hydraulics engineer for the Minnesota Department of Transportation and his recommendations obtained as to design features and the proportionate share chargeable to the State-Aid system. These recommendations, along with those of the district engineer shall be considered in determining the maximum State-Aid participation in said work.

L. Local Road Research Board

1. The commissioner shall appoint a local road research board consisting of the following members:

~~1~~ a. Four county engineers, only one of whom may be from a county containing a city of first class.

~~2~~ b. Two city engineers, only one of whom may be from a city of first class.

~~3~~ c. Two Department of Transportation staff engineers.

d. One University of Minnesota staff engineer.

e. One Ex officio secretary, who shall be the department's research coordination engineer.

~~a. Initial Appointments.--The initial terms of the appointees shall be as follows, beginning January 1, 1960.~~

~~(1)--One county engineer----1 year.~~

~~(2)--One county engineer----2 years.~~

~~(3)--Two county engineers----3 years.~~

~~(4)--One city engineer--2 years.~~

~~(5)--One city engineer--3 years.~~

2. Future Appointments. All ~~future~~ appointments of county and city engineers, except for unexpired terms shall be for three years. The other members shall serve at the will of the commissioner.

3. Operating Procedure:

a. The board shall initially meet on call from the commissioner, at which time they shall elect a chairman, and establish their own procedure

for the selection of research projects to be recommended to the commissioner. Final determination on all such research projects shall be made by the commissioner, and the cost thereof shall be paid out of the State-Aid research accounts provided for by law.

(2) b. In the event that the board recommends a project covering research in methods of and materials for the construction and maintenance of both the County State-Aid highway system and the Municipal State-Aid street system, the board shall also recommend to the commissioner the proportionate share of the cost of such project to be borne by the respective County State-Aid highway research account, and the Municipal State-Aid street research account, based on the benefits to be realized by each system from such research project.

M. Variance

1. Any formal request by a local unit or units of government for a variance from these rules shall be submitted to the Commissioner in writing.

2. A request shall be accompanied by an application fee of $1,000 to ensure the reimbursement of expenses of any committee member so appointed by the Commissioner to evaluate said request.

a. Any monies not needed to compensate committee members shall be returned pro-rata to the local units of government from which they were received.

3. Any variance objected to in writing or denied by the Commissioner is subject to a contested case hearing as required by law.

a. The costs of a contested case hearing shall be the responsibility of the local unit or units of government.

4. The Commissioner may appoint a committee to serve as required to investigate and determine a recommendation for each variance. The committee shall consist of any five persons of the following:

a. Not more than two county engineers only one of whom may be from a county containing a city of the first class.

b. Not more than two city engineers only one of whom may be from a city of the first class.

c. Not more than two county officials only one of whom may be from a county containing a city of the first class and

d. Not more than two city officials only one of whom may be from a city of the first class.

5. No elected or appointed official may serve on the committee that represents a governmental unit or agency requesting the variance.

6. Operating procedure

a. The committee shall meet on call from the commissioner at which time they shall elect a chairperson and establish their own procedure to investigate the requested variance.

b. The commissioner shall publish notice of the variance request in the state register and shall request comments from all interested parties be directed to the commissioner within 20 calendar days from date of publication.

(1) If a written objection is received a contested case hearing will be held as required by law.

c. The committee, after considering all data pertinent to the requested variance and considering the economic, social, safety and environmental impacts which will result

from the requested variance, shall recommend to the commissioner an acceptance or rejection of the requested variance.

(1) If the committee recommends rejection of the requested variance a contested case hearing will be held as required by law.

d. If no objection to the requested variance is received and the committee recommends acceptance of the requested variance, the commissioner may approve said request and direct the State Aid Engineer to approve said variance.

(1) If the commissioner determines to deny the request, a contested case hearing will be held as required by law.

7. Criteria to be considered in evaluating a variance request:

a. Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system.

b. Economic considerations.

c. Effect on adjacent lands.

d. Number of persons affected.

e. Effect on future maintenance.

f. Safety considerations as they apply to:

(1) Pedestrians

(2) Bicyclists

(3) Motoring Public

(4) Fire, Police and Emergency Units

g. Other considerations as may be directed to or by the Commissioner.

M. N. Personal expenses authorized board or committee members. The commissioner will authorize the payment of all necessary personal expenses in connection with meetings of board and committee members, appointed by him for State-Aid purposes. These expenses shall be reported on forms furnished by the commissioner and paid from the State-Aid administrative fund.

N. O. Identification and numbering. The commissioner is authorized and empowered to change the numbering system of the approved rules.

O. P. Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision or any other part.

§ 1.50325 Rules for Bridge Construction Program Under Laws 1976, Chapter 339

A. Purpose. The purpose of 14 MCAR § 1.50325 is to carry out the mandate of the legislature and to effectuate that mandate with respect to application, selection and funding of bridge construction projects on key bridges under local jurisdiction as set forth in Minnesota Laws of 1976, Chapter 339.

B. Scope. The scope of 14 MCAR § 1.50325 is confined within the framework of and consistent with Minnesota Laws of 1976, Chapter 339, Section 1, and Minnesota Statutes 1974, Chapters 161 and 162 as amended.

C. Definitions. For purposes of 14 MCAR § 1.50325 the terms defined in 14 MCAR § 1.5032 shall have the same meaning.

D. Any deficient bridge, 20 feet or more in length, is eligible to be financed wholly or partially by the Minnesota state transportation fund and is subject to State Aid Standards and Specifications as provided in 14 MCAR § 1.5032H.

E.---Application for state financing of a project shall be made by resolution of a county board in the case of roads under the jurisdiction of counties, townships or municipalities of less than 5,000 population, or resolution of a city council of an urban municipality. Prior to selection by the commissioner, every application shall be reviewed by the appropriate Regional Development Commission or Metropolitan Council for consistency with its long term comprehensive development plan and guides.

F.---Criteria for the selection of specific bridge projects will be the same as the six factors required to be considered under Minnesota Laws 1976, Chapter 339, Section 1, Subdivision 6 as it may be amended. The commissioner will make the final determination as to priority of construction.

G.---Release of funds to the local road authority will be in accordance with 14 MCAR § 1.5032G.,.2.,.a.

H.---14 MCAR § 1.50325 shall expire at such time as rules of the Minnesota Department of Transportation implementing Minnesota Laws of 1976, Chapter 339, become effective. Any agreement, obligation or contract entered into pursuant to 14 MCAR § 1.5032A shall remain in full force and effect after expiration of the rule.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

TECHNICAL SERVICES DIVISION

Notice of Intent to Solicit Outside Opinions Concerning the Possible Adoption, Amendment, Suspension or Repeal of Rules Relating to Minn. Stat., chs. 161 and 162 (State-Aid Roadway Operations), 14 MCAR § 1.5032.

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

NOTICE is hereby given that the Commissioner of Transportation is soliciting opinions and comments pertaining to the adoption, amendment, suspension or repeal of rules promulgated pursuant to or authorized by Minn. Stat., chs. 161 and 162 relating to State-Aid Roadway Operations.

Please be advised the Commissioner of Transportation has met in the last 60 days with those county and municipal officials, through his authorized agent, as required and established in Minn. Stat., § 162.01, subd. 2.

All other interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing and must be received by March 11, 1980. Written statements of information and comment may be addressed to:

Mr. Gordon M. Fay
State-Aid Engineer
Technical Services Division
Minnesota Department of Transportation
Room 420 Transportation Building
Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3011 and in person at the above address. Any written material received by the above date will become a part of the record of any rules hearing which might be held.

Dated this 11th day of February, 1980

Richard P. Braun
Commissioner

Office of Hearing Examiners

Notice of Intent to Solicit Information or Opinions Relating to Amendments to the Rules of the Office of Hearing Examiners Relating to Rulemaking and Contested Cases

Pursuant to Minn. Stat. § 15.0412, subd. 6, notice is hereby given that the Office of Hearing Examiners is soliciting information and opinions from sources outside of the agency for the purpose of preparing amendments to the existing procedural rules of the office relating to both rulemaking and contested cases.

Any persons desiring to submit data or views on the subjects may do so either orally or in writing. All written submissions will become part of the record in any subsequent hearing. Persons submitting proposals which are accepted by the office may be called upon to present oral or written testimony in support of the proposals at any subsequent hearing.

The office intends to proceed to hearing immediately following adjournment of the 1980 regular legislative session. Therefore, all submissions must be received by the office no later than 4:30 p.m., five working days after the legislature adjourns sine die.

Comments should be submitted to:

Duane R. Harves
Chief Hearing Examiner
Office of Hearing Examiner
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 296-8100

Department of Public Safety Driver and Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revisions to Rules on Driver Training, Vehicles, Instruction, Instructors and Schools

Notice is hereby given that the Department of Public Safety is seeking information, comments and opinions from sources outside the department in preparing to draft revisions to rules relating to commercial driver training schools. Such rules are authorized by Minn. Stat. §§ 171.33 and 171.34. The department is proposing to incorporate rules concerning truck driver training and to update the existing rules, Driver License 31-38.

All interested or affected persons or groups are invited to provide information on this subject until March 18, 1980 by contacting:

Mr. Rollis Odendahl
Driver Training Supervisor
314 Transportation Building
St. Paul, MN 55155

Written statements will be made part of the public hearing record.

Secretary of State

Notice of Vacancies in Multi-Member State Agency

Notice is hereby given to the public that vacancies have occurred in a multi-member state agency, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. Application deadline is Tuesday, March 4, 1980.

Department of Economic Security Advisory Council has two vacancies open immediately: one for a public member and one for a labor representative. Members are appointed by the Commissioner of Economic Security. The council advises the commissioner on the policies and programs of the Department of Economic Security. Meetings are held monthly. Members receive $35 per diem. For specific information, contact Dave Newman, (612) 296-6073.

Department of Transportation Technical Services Division

Notice of Intent to Solicit Outside Opinions Concerning the Possible Adoption, Amendment, Suspension or Repeal of Rules Relating to Minn. Stat. chs. 161 and 162 (State-Aid Roadway Operations), 14 MCAR § 1.5032

Notice is hereby given that the Commissioner of Transportation is soliciting opinions and comments pertaining to the adoption, amendment, suspension or repeal of rules promulgated pursuant to or authorized by Minn. Stat., chs. 161 and 162 relating to State-Aid Roadway Operations.

Please be advised the Commissioner of Transportation has met in the last 60 days with those county and municipal officials, through his authorized agent, as required and established in Minn. Stat. § 162.01, subd. 2.

All other interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing and must be received by March 11, 1980. Written statements of information and comment may be addressed to:

Mr. Gordon M. Fay
State-Aid Engineer
Technical Services Division
Minnesota Department of Transportation
Room 420 Transportation Building
Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3011 and in person at the above address. Any written material received by the above date will become a part of the record of any rules hearing which might be held.

February 11, 1980

Richard P. Braun
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Amended Rules for State-Aid Operations under Minnesota Statutes 1978, chs. 161 and 162, as amended.	)))))	STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General John R. Murphy, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Assistant Attorney General

Dated: June 26, 1980

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

DIVISION OF ADMINISTRATION

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

AFFIDAVIT OF MAILING

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

Kenneth H. Bjork, being first duly sworn, deposes and says:

That on the 14th day of March, 1980, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

/s/ Kenneth H. Bjork

Subscribed and sworn to before me

this 20th day of March, 1980.

Colette E. Prokop

Notary Public,

Ramsey, County, Minnesota

My Commission expires Sept. 13, 1986.

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE Department of Transportation GOVERNING State-Aid Roadway Operations

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Kenneth H. Bjork, being duly sworn on oath deposes and says:

1) That he is an employee of the Department of Transportation Administration Division of the State of Minnesota.

2) That on the 14th day of March, 1980 he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 14th day of March, 1980 in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Kenneth H. Bjork

Subscribed and sworn to before me this

_____ day of _____, 19___.

Notary Public,

_____ County, Minnesota

My Commission expires _____.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

DIVISION OF Technical Services

In the Matter of the Proposed Adoption of State-Aid Roadway Operations Amended Rules

CERTIFICATE OF DELIVERY OF THE SECRETARY OF STATE'S LIST

I hereby certify that the attached 34 labels 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 8:20 o'clock AM, this 14th day of March, 1980, have requested pursuant to Minn. Stat., §§ 15.0412, subd. _____, (1978 & 1979 Supp) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

By Joan Anderson Growe

Dennis Scott

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed)
Adoption of Amended Rules for)
State-Aid Operations under)
Minnesota Statutes 1978, chs.)
161 and 162, as amended.)

ORDER FOR HEARING

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in Room 81, State Office Building, 435 Park Street, Saint Paul, Minnesota on the 17th day of April, 1980, commencing at 10:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Richard P. Braun
Commissioner

Dated this 5th day of March, 1980.

Subscribed and sworn to before me this 5th day of March, 1980.

Colette E. Prokop
Notary Public,

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1980

Ramsey County, Minnesota.

RECEIVED
MAR 21 1980
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

TECHNICAL SERVICES DIVISION

STATEMENT OF FACTS ESTABLISHING NEED AND REASONABLENESS OF RULES

In the Matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Rules for State Aid Operations)

The Commissioner of Transportation has the authority to propose amendments, deletions and additions to the Rules for State Aid Operations. Pursuant to Minnesota Statute 162.02, Subdivision 2 and 162.09, Subdivision 2 the Commissioner appointed a 21 person committee composed of county commissioners, county engineers, city elected officials and city engineers to advise him as to proposed changes in the rules. The individuals serving on the committee were recommended to the Commissioner by the Association of Minnesota Counties and the League of Minnesota Municipalities. The committee met on December 18, 1979, and again on January 11, 1980. The results of those meetings are discussed further in this statement.

The proposed adoption of rules, amendments and deletions governing the Rules for State Aid Operations contain a large number of changes to the existing Chapter 14 of the Minnesota Code of Agency Rules. The majority of these changes are substantive in nature due to the fact that Laws of Minnesota 1979, Chapter 167 require engineering standards be adopted and further that rules be adopted whereby variances from these rules be considered. The Department also took this opportunity to rewrite other rules for the purpose of clarity and to conform to statutes that had been revised or rewritten. All changes, whether substantive or not, are discussed below.

Under § 1.5032 the reference to Minnesota Statutes 1974 is changed to 1978 where required to indicate conformance to the latest publication of Minnesota Statutes.

Under § 1.5032 C. Definitions.

2. State Aid Engineer and 3. District Engineer. The definition of "State Aid Engineer" was amended to ensure engineering professionalism to the position described.

15. Turnback Accounts. The definition was amended to have the definition conform to Minnesota Statutes 161.082, Subdivision 1 and Subdivision 2 which reads as follows:

"Except as hereinafter provided, all money accruing to the county turnback account shall be expended in accordance with rules and regulations of the commissioner of highways in paying a county for the restoration of former trunk highways, or portions thereof, that have reverted to the county in accordance with laws, and have become a part of the county state-aid highway system.

Subdivision 2. By reason of insufficient funds in the county turnback account to adequately repair and restore the former trunk highways or portions thereof that have already reverted to counties, the commissioner of highways, after May 26, 1971, shall not revert to the counties any additional trunk highways or portions thereof until there are adequate funds in such account to repair and restore such reverted highways to reasonable standards, unless such reversions is necessary due to the constitutional limitations on the mileage of the trunk highway system." The additional language to the rules "for the restoration" more clearly identifies the use of turnback monies for county turnbacks.

21. Variance Committee. The Laws of Minnesota, 1979, Chapter 167, authorize the commissioner to grant variances from county state-aid highway

and municipal state-aid street rules and engineering standards subject to contested case procedures. This definition is added to the rules as the first step in establishing procedural guidelines in reaction to variance requests.

Under § 1.5032 E. Selection and Designation of State Aid Systems

1. Systems, b., (2) Laws of Minnesota, 1979, Chapter 167, authorize an increase in the mileage of the municipal state-aid street system to 2,500 miles plus the mileage of all trunk highways reverted or turned back to the jurisdiction of cities pursuant to law on and after July 1, 1965.

1. Systems, b., (2), (a) municipal streets eligible for state aid designation are limited in mileage pursuant to municipal screening committee resolutions. The additional language will permit one-way street mileage to be treated as if it was one-half of a two-way, four-lane, no-parking street.

3. Route Designations. There are times when resolutions are submitted requesting state aid designation for specific county roads and because state aid mileages are established within each county, the commissioner cannot approve new designations without the approval of the county screening committee. Therefore the time element is not always realistic.

An amended rule is suggested to read as follows:

3. Route Designations. All County State-Aid Highways and Municipal State-Aid Streets shall be selected be resolution of the respective boards of county commissioners, or the respective governing bodies of urban municipalities. The highway or street designations, as contained in the resolution, shall be reviewed by the district engineer of that area and his recommendation shall be filed with the commissioner. ~~Within three months after receipt by~~ The commissioner after receipt of each such resolution and recommendation ~~he shall~~ may approve all or such part of said highway or street designations contained in the resolution, as complies with the cri-

teria ~~and other requirements set out in these rules.~~ The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of ~~their resolution~~ the highway or street designation. All highways or streets so approved shall become a part of the County State-Aid Highway system or the Municipal State-Aid Street system, subject to such additions or revisions as may be, from time to time, requested and approved.

4 ~~a~~. 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 or city engineer, which portions of the turnback are eligible for designation as part of its State-Aid system. Upon a request for the designation of such eligible portions 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 committee of this action.

Under § 1.5032 F. State Aid Apportionments

2. State Aid Apportionments, b. The reference to 14 MCAR § 1.5032 L., 5., c., (2) is changed to 14 MCAR § 1.5032 L., 3., b due to renumbering of the rules.

Under § 1.5032 G. State Aid Payments

2. Construction Apportionments, h. Laws of Minnesota, 1978, Chapter 686, authorized money credited to the municipal account to be used on certain county state-aid highways. Paragraph (2) under H. is no longer necessary. We, therefore, eliminated the (1) and combined h. and (1) into h. only. New rules regarding the transfer of municipal account funds are found under these rules numbered G., 4., g.

2. Construction Apportionments, k. Laws of Minnesota, 1965, Chapter

443, authorized advances of cash or engineering services, or both, by the City of St. Louis Park to the commissioner of highways to expedite trunk highway construction and improvement within the City of St. Louis Park: authorized the City of St. Louis Park to issue bonds for such purpose. Last payment made in 1975. Reference to this law deleted from rules.

4. Other Authorized Payments, f. Laws of Minnesota, 1978, Chapter 686, amended Section 161.082, Subdivision 2A. Structure length changed to 10' from 20'. Rule changed to conform to law.

4. Other Authorized Payments, g. Laws of Minnesota, 1978, Chapter 686, authorized money credited to the municipal account to be used on certain county state aid highways. This new rule gives direction as to procedure to transfer monies from county state aid municipal account to county state aid regular account.

Under § 1.5032 H. State Aid Standards

1. Geometric Design Standards, Laws of Minnesota, 1979, Chapter 167, require the commissioner to adopt engineering standards. The present language is no longer appropriate as any changes in the future will have to go thru the hearing process. The standards for rural undivided (a.), suburban (b.), and urban roadway widths (c.), are shown as recommended by a rules committee appointed for the purpose of review. The requirements for special resurfacing projects (d.), and vertical clearances for underpasses (e.), are shown as recommended by the committee.

4. Parking Provisions. The rule under I., 1., 5 "The enforcement of parallel parking on any approved state aid project" was suspended on August 27, 1979, pursuant to Minnesota Statute § 3.965 (1978). This new diagonal parking data is proposed.

Under § 1.5032 I. State Aid Operations

1. Maintenance, a., (1)., (2)., (3) Language has been added and amended for clarification.

1. Maintenance, a., (5) This rules suspended on August 27, 1979, pursuant to Minnesota Statute § 3.965 (1978).

1. Maintenance, a., (6) Renumbered (5).

1. Maintenance, a., (6) This rules was previously under § 1.5032 I., 1., b., (1). It has been revised to eliminate superfluous language.

1. Maintenance, b., (1) Rewritten and inserted under § 1.5032 I., 1., a., (6).

2. Construction, f. Rewritten to eliminate superfluous language.

3. Turnback Accounts, Laws of Minnesota, 1978, Chapter 686, amended Section 161.082, Subdivision 2A. Structure length changed from 20' to 10'. Rule changed to conform to law.

3. Turnback Accounts, a., 1 Rewritten for clarification and conformance to law.

3. Turnback Accounts, a., 2 Rewritten to conform to Chapter 686, Laws of Minnesota, 1978. Bridge length changed from 20' to 10' and participating percentage of monies changed from 50% to 90%.

Under § 1.5032 K. General State Aid Limitations

1. Lighting. The word "were" is changed to "when" for clarity.

2. Traffic Control Signals Departmental procedure as to approval of traffic control signal plans changed. Rule rewritten to conform to new procedure.

Under § 1.5032 L. Local Road Research Board

The entire rule has been renumbered and portions amended as appointments to the board have been established and the rule in it's original language is no longer germane.

Under § 1.5032 M. Variance

Laws of Minnesota, 1979, Chapter 167, authorize the commissioner to grant variances from state aid rules and standards. This new language

establishes operating procedure, appointments to a variance committee and criteria to follow in evaluating a variance request.

The previous rules under "M", "N" and "O" are kept in their entirety and renumber "N", "O" and "P" respectfully.

Under § 1.50325, Rules for Bridge Construction Program, under Laws 1976, Chapter 339. These rules were temporary rules. They are no longer in effect as 14 MCAR 1.5040, Rules for the Construction and Reconstruction of Bridges, in the State of Minnesota have been established.

THE NOTICE OF INTENT TO SOLICIT OUTSIDE OPINIONS CONCERNING THE POSSIBLE ADOPTION, AMENDMENT, SUSPENSION OR REPEAL OF RULES RELATING TO MINNESOTA STATUTE, CHAPTERS 161 AND 162 (STATE AID ROADWAY OPERATIONS), 14 MCAR § 1.5032 WAS PRINTED IN THE STATE REGISTER, MONDAY, FEBRUARY 18, 1980. THE FOLLOWING COMMENTS RELATIVE TO THE RULES HAVE BEEN RECEIVED PREVIOUS TO THE NOTICE AND SUBSEQUENT TO THE NOTICE.

DECEMBER 12, 1979. A letter from Charles J. Swanson, Washington County Engineer, to Bernard Lieder, P.E., Polk County Engineer (Rules Committee Member), referring to (1) the addition of the words "for the restoration" in the definition of turnback accounts and (2) a request to review minimum right of way requirements for rural areas. DECEMBER 19, 1979. A memo from Ray Sauve, Baltrami County Highway Engineer, asking why the new language "for the restoration". Response - the addition of the words "for the restoration" is to conform to law. The rules committee throughly discussed rural right of way requirements and felt that the present rule is adequate.

DECEMBER 13, 1979. A letter from Herbert D. Reimer, Moorhead City Engineer, requesting that the rules be revised to include urban roadway widths for one-way streets. Response - Standards for one-way streets are the same as for two-way streets as the standards as written are acceptable for "one-way" or "two-way" streets. New language has been inserted under 14 MCAR § 1.5032 E. Selection and Designation of State Aid Systems, 1., b., (2) to permit one-way mileage to be charged at one-half the length of the one-way street for municipal state aid mileage purposes.

DECEMBER 13, 1979. A letter from Verne V. Skallman, P.E., Itasca County Engineer, regarding minimum requirements for special resurfacing projects (overlays) on county state aid highways. Response - The rules committee considered Mr. Skallman's request and made revisions in the overlay requirements.

DECEMBER 14, 1979. A letter from John L. Dolentz, City Engineer for St. Cloud, asked some general questions which were answered at the rules committee meeting of December 18th.

DECEMBER 14, 1979. A letter from Al G. Loehr, Mayor, City of St. Cloud, notes that St. Cloud has a citizens initiative and a referendum which dictates street and bridge widths within the city. He suggests that "local ordinances, initiatives and referendums, if passed prior to the promulgation of these rules, be a viable consideration in considering a request for a variance under these rules". Response - The rules committee discussed the possibility of adding the language, but because state aid rules and standards have been in effect since 1967 and local ordinance passed since then may be in conflict with the rules or standards, it was agreed that the criteria as established is sufficient.

DECEMBER 14, 1979. A letter from Helmer A. Ruth, Mayor of Hermantown, to Richard Braun, Commissioner, referring to a specific road in Hermantown that is to be rebuilt to state aid standards and suggesting that a lesser width would be adequate. Response - Informed rules committee of his concern.

DECEMBER 14, 1979. A letter to the Rules Advisory Committee from Roger D. Moe, Senator, 2nd District (Ada, Minnesota), requesting that consideration be given to alternate design for bridge replacement other than bridges themselves for flood control purposes. Response - Alternate design for bridge replacement is acceptable. Roadways in lieu of bridges are subject to State Aid Standards. The decision to alternate design is a local option.

DECEMBER 17, 1979. A letter from Gary E. Brown, P.E., City Engineer of Worthington, stating that present standards are reasonable and should be adopted as proposed; diagonal parking as proposed should be adopted; method of payment from state aid funds to municipality is streamlined and should be adopted as proposed; plan review and inspection is adequate and should not be changed; method of management through district state aid engineer is excellent and should not be changed; pre-engineered or pre-designed pedestrian bridges should be allowed for walkways or bike paths; culvert or bridge requirements are reasonable and should be adopted as proposed. Response - Read letter to rules committee.

DECEMBER 17, 1979. A letter from Jim Nichols, Senator, District 20 (Lake Benton, Minnesota), requesting standards for township bridges be reduced. Response - Informed rules committee of request.

DECEMBER 17, 1979. A letter from Robert J. Tennessen, Senator, District 56, suggesting we do not over design or overbuild. Response - Told rules committee of his request.

DECEMBER 17, 1979. A letter from A. J. Lee, P.E., Associate County Administrator and County Engineer of Hennepin County, stating that "except for the geometric design standards and the diagonal parking standards, the proposed rules are satisfactory". Response - Discussed thoroughly with rules committee.

DECEMBER 18, 1979. A telephone call from Glen Sherwood, Representative, District 4B (Pine River, Minnesota), wanting it known that he and other congressmen are concerned that specifications for county highways and roads in the state not be unnecessarily high. Response - Informed rules committee of his call.

DECEMBER 28, 1979. A letter from Dick L. Wheeler, Assistant Director, City Engineer of the City of St. Paul and member of the Rules Committee, recommending some diagonal parking standards and some one-way urban roadway widths. Response - Showed recommendations to the rules committee.

DECEMBER 28, 1979. A letter from Perry D. Smith, P.E., City Engineer, Director of Public Works for the City of Minneapolis and member of the Rules Committee, recommending that diagonal parking on a one-way street in an urban area not be allowed to back into a thru-traffic lane. Response - Informed rules committee of his recommendation.

DECEMBER 26, 1979. A letter from Herb K. Anderson, Regional Grant and Aid Coordinator of St. Louis County, suggests that the variance committee rule give special consideration to county state aid highways providing access to and within a national park to the "entry points" of the boundary waters canoe area wilderness and county state aid highways within the superior national forest. Response - Read letter to the rules committee.

JANUARY 7, 1980. A letter from Florian Chmielewski, Senator, 14th District, stating that townships should not be excluded from the use of bridge funds because they cannot legally come up with "startup costs". Response - Legislation required.

JANUARY 15, 1980. A letter from Marlow V. Priebe, President of City Engineers Association of Minnesota, recommending no more than (3) hearings to be held throughout the state.

FEBRUARY 7, 1980. A letter from Patrick B. Murphy, Carver County Director of Public Works, suggesting a maximum of 3 public hearings geographically distributed throughout the state as being adequate. Response - We feel that due to the notice sent to all county and city engineers, all chairpersons of the county boards, all mayors of cities over 5,000 population, all legislators, the regional development commissions and the metropolitan council, the association of minnesota counties, the league of minnesota municipalities and the minnesota association of township officers informing them of the members appointed to sit on the rules committee and requesting comments relative to the rules, that adequate coverage has been afforded.

FEBRUARY 12, 1980. A letter from Monty A. Eidem, Assistant City Engineer of Moorhead, submitting a resolution from the City Council of Moorhead which endorses the addition of a variance committee to the rules. Response - Read letter to rules committee.

MARCH 3, 1980. A letter from Susan P. Robertson, Executive Director, Legislative Commission to Review Administrative Rules, stating dissatisfaction with the rule on variances as written. The main objection being the $1,000.00 application fee required when applying for a variance. Response - The law as written provides that any political subdivision in which a county state aid highway or municipal state aid street is located may submit a written request to the commissioner for a variance. If the variance request is denied or an objection is received to the variance request, a contested case hearing is required. The rules committee could foresee a substantial increase in administrative costs for the transportation department in processing requests for variances unless some effort is made to substantiate a bonified request from a political request. The rules committee could see no alternative but to have an application fee accompany the variance request.

MARCH 6, 1980. A memo from Peter A. Fausch, Assistant Commissioner, Planning Division, Mn/DOT, commenting that (1) the proposed suburban standards require a more extensive x-section for those roads with a volume less than 750 vehicles per day than is required by the revised rural standards and (2) that the terms "high density" and "low density" be defined. Response - The suburban design section is not to be used in lieu of an urban design section. The suburban geometric design standards are intended for those areas that are in a transitional change from rural to urban and development

of the adjacent area does not require curb, gutter and storm sewer as yet. The terms "high density" and "low density" are defined under urban roadway classifications.

MARCH 7, 1980. A telephone call from Lyle Hansen, Director of Office of Engineering Standards, Mn/DOT, asking (1) if the standards as proposed under 14 MCAR 1.5032 H. State Aid Standards are minimum standards; (2) under H., 1., c. Urban Roadway Widths, does the reference "with Median, 4' Median" mean with parking or no parking and (3) does the reference "with 4' Median and two parking lanes" refer to parallel parking or diagonal parking; (4) under Urban Roadway Classification does the ADT Range refer to current traffic or projected traffic; (5) under H. 4. Parking Provisions, a., shouldn't the heading "Stall or Curb" read "Stall Depth" and under the heading "Traffic Aisle Width" what controls will be made to ensure that the moving traffic will not encroach into the "back-up" lane and (6) shouldn't a reference to Minnesota Statutes 169.35 also be included under H., 4., d. Response - (1) The design standards as shown are minimum standards, (2) the reference should read "No Parking", (3) the reference should read "Two Parallel Parking Lanes", (4) the reference is to "Projected ADT Range", (5) the reference should be "Stall Depth", the local road authority will have to provide controls such as pavement stripping and (6) the reference as stated, Minnesota Statutes 169.34, is adequate.

Dated: March 21, 1980

for Richard P. Braun
Commissioner of Transportation