

5/14/90



Minnesota Department of Transportation
Transportation Building, St. Paul, MN 55155



May 30, 1990

The Legislative Commission to
Review Administrative Rules
Maryanne Hruby, Director
55 State Office Building
St. Paul, Minnesota 55155

In reply refer to:
Proposed Rules Relating
to Bridge Construction and
Reconstruction

Dear Ms. Hruby:

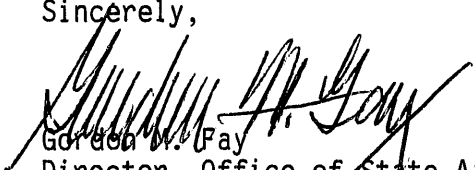
As requested in your letter of May 24, 1990, we are enclosing a copy
of the proposed rules relating to bridge construction and reconstruction.

Listed below are the Rules enclosed for your files:

In the matter of the Proposed Adoption of Rules, Amendments
and Deletions Governing the Rules for Bridge Construction
and Reconstruction.

In the matter of the Proposed Adoption of Rules, Amendments
and Deletions Governing the Rules for Bridge Inspection
and Inventory.

Sincerely,


Gordon W. Fay
Director, Office of State Aid

Enclosures; (2)
Rules

cc:
File - 420

GMF:jmm

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 BRIDGE CONSTRUCTION)
AND RECONSTRUCTION)

The Commissioner of Transportation has the authority to propose amendments, deletions and additions to the Rules for BRIDGE CONSTRUCTION AND RECONSTRUCTION. Pursuant to Minnesota Statutes Section 174.50, Subdivision 7 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 14, 1989, and again on January 25, 1990. The results of those meetings are discussed further in this statement.

Solicitation of outside opinion concerning the possible adoption, amendment, suspension or repeal of rules relating to Minn. Stat., chs. 174.50 subd. 6 (Bridge Construction and Reconstruction) Chapter 8810.8000 was published in the State Register on Monday, October 16, 1989.

Individual letters requesting comments were sent to County Engineers, City Engineers, Minnesota Legislators, Regional Development

Commissions, Metropolitan Councils, Department of Transportation staff, the Legislative Study Commission and other interested parties on October 11, 1989 and again on December 27, 1989.

The proposed adoption of rules, amendments and deletions governing the rules for BRIDGE CONSTRUCTION AND RECONSTRUCTION contain changes to the existing Chapter 8810.8000 of the Minnesota Rules. The majority of these changes are minor in nature and are revised or rewritten for the purpose of clarity and to conform to statutes that have been revised or rewritten. All changes are discussed below.

Under 8810.8000 DEFINITIONS:

The reference to "Abandonment" was added to the list of definitions as deficient structures that are abandoned and not replaced are eligible for removal costs as authorized by the Laws of Minnesota for 1982, Chapter 617, Subdivision 2.

The definition of "Bridge" was changed to conform to Minnesota Statutes Section 161.081, Subdivision 2a. Diagrams of structures were inserted to show the proper way to measure the various situations encountered.

The definition of "Construction" was expanded to include a road or a street which will be constructed in lieu of a bridge as permitted by the Laws of Minnesota for 1982, Chapter 617, Subdivision 2.

The definition of "Road Systems Defined" was changed for clarity.

Under 8810.8100 PURPOSE AND SCOPE:

The reference to Laws of Minnesota 1976, Chapter 339 was changed to Minnesota Statutes to indicate conformance to the latest publication of Minnesota Statutes.

8810.8110 "ELIGIBILITY; RESTRICTION" was added for clarity.

Under 8810.8200 APPLICATION FOR CONSTRUCTION OR RECONSTRUCTION GRANTS:

The words "or remove an abandoned bridge" were added for clarity.

Under 8810.8300 REVIEW BY REGIONAL DEVELOPMENT COMMISSION OR METROPOLITAN COUNCIL:

The term "COUNCIL" was changed to "COMMISSION" to conform to the language in the law.

The 30 day waiting period for comments from the Regional Development Commission or Metropolitan Council has been removed so that an application for a construction project may be processed as soon as possible. There has never been a negative response from a Regional Development Commission or Metropolitan Council. Therefore, allowing a project to be approved for letting without the 30 day wait will be to the advantage of the local unit of government. The

Regional Development Commissions and the Metropolitan Councils will still be notified of the proposed projects.

Under 8810.8400 ESTABLISHMENT OF PRIORITIES:

The reference to Laws of Minnesota 1976, Chapter 339 was changed to Minnesota Statutes to indicate conformance to the latest publication of Minnesota Statutes. The language referring to priority rank has been changed to clarify the priority process.

Under 8810.8500 BRIDGE AND ROADWAY SPECIFICATIONS:

The reference to minimum geometric design standards establishes design standards for all projects.

THE NOTICE OF INTENT TO SOLICIT OUTSIDE OPINIONS CONCERNING THE POSSIBLE ADOPTION, AMENDMENT, SUSPENSION OR REPEAL OF RULES RELATING TO MINNESOTA STATUTES SECTION 174.50, MINNESOTA STATE TRANSPORTATION FUND, WAS PRINTED IN THE STATE REGISTER ON OCTOBER 16, 1989. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED PREVIOUS TO THE NOTICE AND SUBSEQUENT TO THE NOTICE.

October 12, 1989. A memo from Mr. Richard A. Sullivan, Director, Office of Materials, Research and Standards, Department of Transportation stated that under 8810.8000 - Are you defining only highway bridges? Then do so! RESPONSE: The definition of a bridge is

clearly defined. Illustrations of how to measure a structure are shown in figures 1 through 4.

October 19, 1989. A letter from Mr. Mark A. Baker, Regional Planner II, Upper Minnesota Valley Regional Development Commission, stated that per our contract with Mn/DOT, the Upper Minnesota Valley Regional Development Commission has the opportunity and obligation to review and comment on projects that will have an effect on the regional transportation system. Pursuant to this obligation, it is disturbing that the RDC was not afforded adequate amount of time to comment in the time allotted. As the Commission meets on a monthly basis, it is impossible for the Commission members to meet and comment on this document, and return to the Office of State Aid by October 27, 1989. It is realized that these changes are mainly procedural and are designed to improve the efficiency of the process for bridge construction and reconstruction. However, it is the policy of this RDC to comment on all transportation-related activities per our Memorandum of Understanding with Mn/DOT. RESPONSE: Those Regional Development Commissions and the Metropolitan Councils still in operation will still be notified of deficient bridge applications. The removal of the thirty day wait period will permit the authorization of projects as soon as plans and the application for funding has been received. The application for funding is not an automatic assurance that funding will be provide. Review of the application is made by the District State Aid Engineer and his approval is necessary before a grant will be made. Authorization to

proceed to letting is made only after all assurances as to the necessity of the project have been reviewed.

October 23, 1989. A letter from Mr. Dale D. Wegner, Jr., Brown County Engineer, stated that he did not see any problems with section 8810.8000. RESPONSE: Thank you.

October 23, 1989. A letter from Mr. Howard Warnberg, Chairman, Region 5 Transportation Council, stated that under 8810.8300 - As a regional development commission, we feel that we should have the option of commenting on bridge construction or reconstruction projects if the project is inconsistent with regional plans. It may be true that there have not been negative comments in the past, but regional development commissions should retain the option to comment either negatively or positively on a project. RESPONSE: See comments made to Mark A. Baker's letter of October 19, 1989.

October 26, 1989. A phone call from Ms. Rosemary Wilson, Government Affairs Director, Burlington-Northern Railroad Company stated that under 8810.8000 the definition of a bridge was not the same as under 8810.9000. RESPONSE: Definitions have been rewritten to conform.

October 30, 1989. A comment from Mr. David S. Heyer, P.E., Becker County Highway Engineer stated that under 8810.8300 - The deletion of the last part of this paragraph is of concern. If the current time limitation is not adequate, perhaps increasing the time limit slightly would suffice -- but by no means should the time limit be eliminated.

This would allow the agency to "sit" on the review and potentially delay a project indefinitely. Some means of limiting the response time is needed. RESPONSE: See comments made to Mark A. Baker's letter of October 19, 1989.

October 31, 1989. A phone call from Mr. Lee Amundson, Steele County Highway Engineer stated under 8810.8300 "Regional Development Council" should be "Regional Development Commission". RESPONSE: Change has been made.

November 6, 1989. A letter from Mr. Ramankutty Kannankutty, P.E., Director, Engineering Design, City of Minneapolis, stated that while "Abandonment" is defined it does not appear in the text being reviewed. Should the definition of "Bridge" be consistent with the definition in the rules for Inspection and Inventory purposes, which is more specific? Does the phrase "under the jurisdiction of the local unit of government" in the last sentence refer to ownership of the bridge or the crossing of public right-of-way used for road purposes. "Construction" refers to replacement of existing bridges or destroyed bridges, but there is no reference to new bridges where none previously existed. RESPONSE: "Abandonment" has been inserted in the text where applicable. Definition of a bridge is now consistent. The phrase "under the local jurisdiction of the local unit of government" refers to actual ownership. Some structures are on public right-of-way but are privately owned. No reference is made to new bridges where none existed before because new bridges do not qualify

for funding with Minnesota State Transportation Funds, Federal Bridge Replacement Funds or Town Bridge Funds.

November 6, 1989. A letter from Mr. Kenneth E. Weltzin, P.E., Director of Public Works and County Engineer, Ramsey County, stated that under 8810.8300 - I believe that it is a mistake to eliminate the time line. Perhaps the thirty days should be increased to sixty. RESPONSE: See comments made to Mark A. Baker's letter of October 19, 1989.

November 8, 1989. A note from Mr. Dick Larson, Mille Lacs County Highway Engineer stated "O.K.". RESPONSE: Thank you.

November 28, 1989. A letter from Mr. Roger Hille, Marshall County Engineer, stated that under 8810.8300 the following should be added: If no response is received within 30 days from the RDC or Metropolitan Council, plans shall be construed to be approved. RESPONSE: See comments made to Mark A. Baker's letter of October 19, 1989.

January 2, 1990. A letter from Mr. Roger Hille, Marshall County Engineer, stated that under 8810.8300, add "No response received within 30 days after receipt of the application (or notice of application), by Regional Development Commission shall be construed to mean approval of the application." This change would prevent inadvertent delay of the project. RESPONSE: See comments made to Mark A. Baker's letter of October 19, 1989.

DATE

1-2-90


LEONARD W. LEVINE

Commissioner