

12/10/90



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



November 28, 1990

Maryanne V. Hrubry
Executive Director, Legislative Commission
to Review Administrative Rules
Room 55 - State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

In reply refer to:
Revised Statement of Facts Establishing Need
and Reasonableness of Proposed State Aid Rules

Dear Ms. Hrubry:

Enclosed is a revised copy of the above referenced document. The revision was requested by the Chief Administrative Law Judge to explain in greater detail why changes are being proposed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dennis C. Carlson'.

Dennis C. Carlson
Director, Office of State Aid

cc:
File - 420

DCC;jmm
Roy Hanson

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 Rules for State Aid Operations have been in existence since the inception of the State Aid System in 1958. The rules have been revised from time to time with the intent of making the rules acceptable to the public and the local road authorities always considering the affect on the travelling publics welfare and safety. As time goes on it becomes apparent that the rules do not change with the demands of the time. A subject of concern the past few years is by citizens whom want to have state aid routes constructed to less than the required standard. In 1984 the Legislative Audit Commission directed the Program Evaluation Division of the Office of the Legislative Auditor to examine the County State Aid Highway system and made recommendations thereto. They did study and make recommendations of which some have been adopted and others must be made through rule or legislative change. Older cities such as Duluth, Minneapolis and St. Paul in which established development limits the ability to meet current standards have at times indicated a desire for standards to be reduced so as to limit the need to seek variances from the current standards or rules. With all this in mind the commissioner has deemed it advisable to initiate a review of the rules with the intent of making change where change is warranted.

Pursuant to Minnesota Statutes Section 162.02, Subdivision 2 and Minnesota Statutes 162.09, Subdivision 2, the Commissioner of Transportation has the authority to propose amendments, deletions and additions to the Rules for STATE AID OPERATIONS. The Commissioner therefor appointed a 21 person committee composed of county commissioners, county engineers, city elected officials and city engineers to review the rules and advise him as to proposed changes. 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, January 25, 1990 and on February 22, 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. 161 and 162 (State Aid Operations) Chapter 8820 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, on December 27, 1989, and again on February 9, 1990.

Responses have been received from forty-four counties, sixteen cities, three Regional Development Commissions, one legislator, the Legislative Commission to Review Administrative Rules, the Minnesota ~~Chapter of Associated Builders and Contractors, Inc.~~, the Associated General Contractors of Minnesota, the Minnesota Pollution Control Agency, the National Electrical Contractors Association, the National Railroad Construction and Maintenance Association, Inc. and staff members of the Minnesota Department of Transportation. *

All responses were submitted to the Rules Committee and recommendations for changes to the rules were made based on the appropriateness and feasibility of the requested change. The Rules Committee considered the effects the proposed changes would have on the administrative operations of the State-Aid Office, the effects the proposed changes would have on the application of geometric standards to the state-aid road systems and the effects the proposed changes would have on the application of state-aid funding to local state-aid road projects. None of the proposed changes will have any impact on small businesses. The rules committee considered what impact the proposed rules would have on small businesses and found that even though responses were received from many small business organizations regarding force account agreements, the changes recommended do not change the procedures that have been permitted since the adoption of the rules back in the year 1958 but instead provide an explanation of what a force account agreement is.

The rules committee at their third meeting held on February 22, 1990 recommended the adoption of the revised rules to the Commissioner of Transportation.

The proposed adoption of rules, amendments and deletions governing the rules for STATE AID OPERATIONS contain changes to the existing Chapter 8820 of the Minnesota Rules. Because the rules are in the process of review it is deemed advisable to make changes in areas of minor nature only for the purpose of making the rule easier to interpret and understand to the layman. The Revisor of Statute has made many minor changes in the selection of words. The majority of the 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. Major change has been written in the addition of Rule 8820.3100 Subparts 9 and 10 and in the revision of Rule 8820.9912 (new rules 8820.9935, 8820.9940 and 8820.9950). All changes except minor word changes are discussed below.

Under 8820.0100 DEFINITIONS:

Subp. 1A. Because the abbreviation "ADT" is used elsewhere in the rules a definition of Average Daily Traffic is added.

Subp. 2B. Because the term "City" is used elsewhere in the rules a definition of the term is added.

Subp. 4. **Commissioner.** The definition of "Commissioner" has been rewritten to clearly identify the commissioner as being the commissioner of transportation to avoid any confusion with other commissioners of public office.

Subp. 6. **County-municipal account.** The definition has been rewritten to clarify that municipal county state-aid highway funds can be expended for improvements on county state-aid highways only and not on local roads.

Subp. 9. **District engineer.** Superfluous language has been deleted. It is not necessary to cite a "registered engineer employed as his state aid assistant". Any registered engineer employed by the Department of Transportation and under the supervision of the district engineer may act for the commissioner.

Subp. 9b. **Force Account Agreement.** Because the term "Force Account Agreement" is used under 8820.1500 subp. 4, a definition of the term is deemed appropriate for the benefit of the layman. There has been a misconception in the past that a force account agreement could include contracted forces other than railroad forces. This is not true. Local forces are those employees who are employees of the local unit of government.

Subp. 14. **Screening board.** The definition has been rewritten to conform to the law. In the past proper terminology was questioned at times due to the wording in the law. MS 162.07 Subd. 5 refers to a screening board and MS 162.13 Sub. 3 refers to a screening commission. Both the board and the commission act in the same capacity of reviewing needs and making recommendations to the commissioner.

Subp. 17a. **Town road account.** The definition has been rewritten to conform to the law (MS 162.081 Subd. 4). The law was revised in 1984 to include gravel maintenance expense as a qualifying use for the monies allocated to the towns.

Subp. 19. **Trunk highway turnback and**

Subp. 20 **Turnback account.** The definitions have been rewritten for clarity. The original definition in the rule was vague and even though no controversy has ever developed it is deemed advisable to clarify the terms to avoid possible misunderstanding.

Under 8820.0600 SELECTION OF ROUTES:

The language under "A" was rewritten to conform to the law. MS 162.09 Subd. 4 was amended to include those former municipal state aid streets located in a city that previously received money from the municipal state aid fund but whose population fell below 5,000 under the 1980 federal census, subject to the approval of the governing bodies of the city and the county.

The language under "B" was rewritten to conform to the proposed street width revisions in these rules as related to undivided one-way streets.

Under 8820.0700 SELECTION CRITERIA:

Under subpart 2 "C" the language was deleted as being difficult to define. To establish a system consistent with the density of population requires definite numbers of population in segregated areas. The local units of government establish functional classification plans that consider not only population but level of service required to serve that population and determine a grid system of roads or streets to adequately serve that population. No controversy has ever developed in this area and it is deemed advisable to eliminate unnecessary verbiage.

Under 8820.0800 ROUTE DESIGNATIONS:

Subp. 3 has been added to the rules as an explanation as to how "payback" is determined when a designated state aid road or street is revoked from the state aid system and the portion revoked has been improved with the financing of state aid monies. It is added to the rules to provide the information to the local road authority. "Payback" is not intended to discourage system revision but is a method of equalizing state aid allocations. If a local unit of government was permitted to make changes in their state aid system every time they completed a construction project on their system, they would keep their needs at the maximum whereby a local unit of government that retains their system and does not make system changes reduces their needs when constructing roadways. Needs determine a portion of the allocations. To retain needs at a maximum would when utilizing state aid funds to construct a system would not be fair to other local units of government.

Under 8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION:

Subp. 2 has been rewritten to eliminate duplicated language and for clarity. Previously the rule cited the same items for both the County State Aid and Municipal State Aid systems. There is no substantive change in the rule.

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

Subp. 3 has been rewritten for clarity and also to allow for the computation of the urban maintenance allotment to consider the interest payments due on municipal state aid bonds and be adjusted accordingly. In the past, if an urban municipality's maintenance allocation was not large enough to insure the payment of interest due on state aid bonds for the forthcoming year, the municipality would have to officially request an increase to their maintenance allotment by the transfer of funds from their current construction allocation. This request would be due by December 15 of the year preceding the allotment. The rule will now permit a one time request by an urban municipality for the transfer of funds to cover interest obligations. The rule has also been rewritten so that if an urban municipality requests that the minimum maintenance allocation be greater than 25 per cent, but not more than 35 per cent of their total allocation, they shall file an annual maintenance expenditure report with the commissioner at the end of the year.

Under 8820.1500 CONSTRUCTION FUNDS:

Subp. 6 has been rewritten for to clearly indicate that preliminary engineering costs must be documented before reimbursement can be made. In some instances in the past reimbursement has been requested on a straight percentage basis of the contract cost when the type of project clearly indicates that design costs are minimal in relation to the overall construction cost. Documentation will insure proper reimbursement of actual costs.

Subp. 8, Subp. 9, Subp. 10, and Subp 10a have been rewritten to include the language that will require the request for advance encumbrance to accompany the report of state aid contract. This is necessary to keep the finance unit of the office of state aid informed as to the desires of the local unit of government. To delay the request imposes a hardship on the office of state aid as to record keeping.

Under 8820.2100 DISASTER ACCOUNT:

The term "disaster committee" changed to "disaster board" to conform to the law. (MS 162.06 Subd. 3)

Under 8820.2300 TURNBACK ACCOUNTS:

In Subp. 1b the words "gravel maintenance" were added to conform to the law. (MS 162.081 Subd. 4)

Under B (1) and (2) the reference to "two mills" has been changed to ".04835 per cent of the taxable market value" to conform to Laws of Minnesota for 1989, Ch. 277, Art. 4, Sec. 14.

In Subp. 6 and Subp. 7 the term " district engineer" was changed to "district state-aid engineer" to reflect the responsibility of the position that does the actual acceptance.

Under 8820.2500 MINIMUM STATE AID STANDARDS:

References to specific rules have been changed to conform to the recommended changes in 8820.9910, 8820.9925, 8820.9930, 8820.9935, 8820.9940, 8820.9945, 8820.9950, 8820.9960 and 8820.9970.

Under 8820.2800 CONSTRUCTION REQUIREMENTS:

In Subp. 2 the word "final" was added to clearly identify a plan or force account agreement eligible for state-aid construction funds. This will remove any possible interpretation that a rough draft or a preliminary plan qualifies as an approved plan.

In Subp. 3 the original language inferred that approved projects were assigned project numbers. This is not the practice. Project numbers are assigned as requested by the local engineer to identify a project from the development stages of the project to its completion.

Subp. 4 was rewritten to clearly identify the responsibility of the county or city engineer. In some instances a consulting engineer is involved and supervises a project through the letting process. However, the letting responsibility remains with the county or city engineer.

In Subp. 5 the term "district engineer" was changed to "district state-aid engineer" to reflect the responsibility of he position that actually makes the recommendation.

Under 8820.2900 TURNBACK ACCOUNT EXPENDITURES:

The paragraph under subpart 1 was divided into Subp. 1 and Subp. 1a. The language in Subp. 1a was added to clearly identify the name of the town bridge account.

The paragraph under Subp. 2 was divided into Subp. 2 and Subp. 2a to separate the two distinct types of expenditures from this account. There is no substantive change in the rule.

Under 8820.3100 GENERAL STATE-AID LIMITATIONS:

In Subpart 1 number "8" was changed to "10" to reflect the addition of two additional subparts; Subp. 9 and Subp. 10.

Subp. 2 was rewritten for clarity. The existing language caused frequent misunderstandings regarding what items were eligible. There is no substantive change in the rule.

Subp. 3 was changed to permit review and approval of a signal plan by a master electrician. This permits a design group to prepare the signal plan under the direct supervision of a master electrician. The remaining language was changed to clearly indicate that signal plans involving trunk highways must be approved by the traffic engineer of the Department of Transportation because such signals are not the responsibility of the local unit of government.

In Subp. 6 language was added to the effect that income derived from properties that had been acquired with state-aid monies should be credited to the local agency's road and bridge account. This change was requested by the City of St. Paul.

In Subp. 8 the term "district engineer" was change to "district state-aid engineer" to reflect the position that actually makes recommendations and gender reference was eliminated.

Subp. 9 is new language that establishes a maximum state-aid cost participation schedule when rural roadways, with lower traffic volumes, are scheduled for an initial surfacing with aggregate base, flexible or rigid pavement. This was done to satisfy concerns that low volume roads were being improved over higher priority roads. The requirement that local funds be participating insures the expenditure of a minimum of state aid funds thereby reserving remaining state aid funds for other areas of priority.

Subp. 10 is new language that permits a maximum amount of state-aid monies for the use of landscaping. The concerns of growing demands for aesthetic improvements require this new rule.

Under 8820.3300 VARIANCE:

In "C" under Subpart 1 the rule was revised to include language so that a local agency will have to identify what they intend to do in lieu of the required rule. Requests often are received that are vague or in some instances not required. To clearly identify the rule and the proposed alternate will expedite the proposed variance request by eliminating any confusion as to intent.

Subp. 3 has been rewritten to include language that specifies specific wording in the ~~hold harmless resolution~~ that is required before the commissioner will grant a variance. The requirement of a hold harmless resolution has been in effect since the variance procedure was first established in the year 1980.

Under 8820.3400 ADVISORY COMMITTEE ON VARIANCES:

In Subp. 2 language was added to require that at least two elected officials be members of the committee. This has been past practice but the City of St. Paul requested the language in the rule so that the practice could ~~not be~~ changed.

Under 8820.9910 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED (9);
NEW OR RECONSTRUCTION.

The projected ADT changes were revised to bring the standard into conformance with Mn/DOT standards for roadways serving similar functions and ADT ranges.

The upper limits of the design speeds were revised to bring the geometric standards for Mn/DOT and CSAH into conformance for similar roadways.

The term "traffic bound" was changed to "aggregate surfacing" for clarity.

The structural design was changed in order to achieve uniformity with Trunk Highway standards and to reflect the trend toward heavier trucks.

The bridge widths were revised to provide an adequate reaction area to the bridge rail and footnote 4 was revised to provide HS-25 loading on the recommendation of the Mn/DOT Office of Bridges and Structures.

Footnote 3 was revised for clarity. There are other methods of calculating sight distance that are not acceptable.

Footnotes 6 and 7 were added as Mn. Rule 8810.8500, which deals with bridges on local road systems, refers to Mn. Rule 8820 as the standard for construction.

The above changes were endorsed by the Minnesota County Highway Engineers Standards Committee, the Low Volume Roads Task Force and the Minnesota County Highway Engineers Association Executive Committee.

Footnote 8 was added at the request of the State-Aid Bridge Engineer for clarity.

Footnote 9 was added to provide guidance for design of rural design divided highways.

Under 8820.9925 (Old rule 8820.9914) GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; Resurfacing.

The shoulder-shoulder width in the ADT category of 1,000 and over was changed from 32 feet to 30 feet to bring it into conformance with Trunk Highway overlay standards. The revision has been endorsed by the Low Volume Roads Task Force and the Minnesota County Highway Engineers Executive Committee.

Under 8820.9930 (Old rule 8820.9911) GEOMETRIC DESIGN STANDARDS: SUBURBAN; NEW OR RECONSTRUCTION

The change in design speed was made as the lower design speed is applicable in developed areas.

The change in bridge widths was made so as to conform to the Geometric Design Standards; Rural Undivided; NEW OR RECONSTRUCTION.

Footnotes 4 and 5 were added for clarity and to conform to rule 8820.9910.

Under 8820.9935 (Old rule 8820.9912) GEOMETRIC DESIGN STANDARDS: URBAN; 30 to 35 m.p.h. DESIGN SPEED; NEW OR RECONSTRUCTION.

and

Under 8820.9940 GEOMETRIC DESIGN STANDARDS: URBAN; GREATER THAN 35 M.P.H. Design Speed; NEW OR RECONSTRUCTION.

and

Under 8820.9945 (Old rule 8820.9919) GEOMETRIC DESIGN STANDARDS: URBAN; RESURFACING.

These charts are new in their entirety and replace the old charts under rule ~~8820.9912~~ and rule 8820.9919. Subparts 1 address two-way streets and subparts 2 address one-way streets. The intent is to provide standards that are more adaptable to older established cities which are limited because of complete development. It must be remembered that these standards are minimum and nothing precludes the use of greater widths if the level of and the type of traffic demands more than the minimum width.

Under 8820.9950 (Old rule 8820.9913) URBAN ROADWAY
CLASSIFICATION :

The projected traffic ranges were changed to allow greater flexibility. The footnote was added to provide flexibility on those streets that require additional traffic lanes during peak traffic hours by removing parking which is allowed during non-peak traffic hours. These changes satisfy the older developed cities.

Under 8820.9955 (Old rule 8820.9915) VERTICAL CLEARANCES FOR UNDERPASSES.

The footnote was added to eliminate the need for a variance from this rule when the Minnesota Transportation Regulation Board approves the clearance of the railroad under a roadway bridge.

Under 8820.9960 (Old rule 8820.9916) MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Superfluous language removed. A footnote relative to clearance behind the curb was added to provide a safety factor to vehicles overhanging the curb.

Under 8820.9965 (Old rule 8820.9917) GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION.

Changes added for clarity. There has been misunderstanding regarding when these rules should be applied for State Park access roads.

The change in bridge width was made to conform with rule 8820.9910.


Footnote 5 added to clarify how design speed is calculated.

Under 8820.9970 (Old rule 8820.9918) GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; Resurfacing.

Changes were made for clarity. There has been misunderstanding regarding when these rules should be applied to State Park access roads.

DATE

11-5-90


LEONARD W. LEVINE,

Commissioner

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 Statutes Section 162.02, Subdivision 2 and Minnesota Statutes 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 14, 1989, January 25, 1990 and on February 22, 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. 161 and 162 (State Aid Operations) Chapter 8820 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, on December 27, 1989, and again on February 9, 1990.

Responses have been received from forty-four counties, sixteen cities, three Regional Development Commissions, one legislator, the Legislative Commission to Review Administrative Rules, the Minnesota Chapter of Associated Builders and Contractors, Inc., the Associated General Contractors of Minnesota, the Minnesota Pollution Control Agency, the National Electrical Contractors Association, the National Railroad Construction and Maintenance Association, Inc. and staff members of the Minnesota Department of Transportation.

All responses were submitted to the Rules Committee and recommendations for changes to the rules were made based on the appropriateness and feasibility of the requested change. The Rules Committee considered the affects the proposed changes would have on the administrative operations of the State-Aid office, the affects the proposed changes would have on application of geometric standards to the state-aid road systems and the affects the proposed changes would have on the application of state-aid funding to local state-aid road projects. The rules committee at their third meeting held on February 22, 1990 recommended the adoption of the revised rules to the Commissioner of Transportation.

The proposed adoption of rules, amendments and deletions governing the rules for STATE AID OPERATIONS contain changes to the existing Chapter 8820 of the Minnesota Rules. The majority of the 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. Major change has been written in the addition of Rule 8820.3100 Subparts 9 and 10 and in the revision of Rule 8820.9912 (new rules 8820.9935, 8820.9940 and 8820.9950.) All changes except minor word changes are discussed below.

Under 8820.0100 DEFINITIONS:

Subp. 1A. Because the term "ADT" is used elsewhere in the rules a definition if the term is warranted.

Subp. 2B. Because the term "City" is used elsewhere in the rules a definition of the term is warranted.

Subp. 4. **Commissioner.** The definition of "Commissioner" has been rewritten for clarity.

Subp. 6. **County-municipal account.** The definition has been rewritten to clarify that municipal county state-aid highway funds can be expended for improvements on county state-aid highways only.

Subp. 9. **District engineer.** Superfluous language has been deleted.

Subp. 9b. **Force Account Agreement.** Because the term "Force Account Agreement" is used elsewhere in the rules a definition of the term is warranted.

Subp. 14. **Screening board.** The definition has been rewritten to conform to the law. (MS 162.07 Subd. 5, MS 162.13 Subd. 3)

Subp. 17a. **Town road account.** The definition has been rewritten to conform to the law. (MS 162.081 Subd. 4)

Subp. 19. **Trunk highway turnback.** The definition has been rewritten for clarity.

Subp. 20. **Turnback account.** The definition has been rewritten for clarity.

Under 8820.0600 SELECTION OF ROUTES:

The language under "A" was rewritten to conform to the law. (MS 162.09 Subd. 4)

The language under "B" was rewritten to conform to the proposed revisions to these rules.

Under 8820.0700 SELECTION CRITERIA:

The word "classification" was added to "A" under subpart 2 and to "A" under subpart 3 for clarity.

Under subpart 2 "C" the language was deleted as being unnecessary. Old subpart "D" redesignated "C" provides adequate language.

Under 8820.0800 ROUTE DESIGNATIONS:

Subpart 1 was rewritten for clarity.

Subp. 3 has been added to the rules as an explanation as to how "payback" is determined when a designated state aid road or street is revoked from the state aid system and the portion revoked has been improved with the financing of state aid monies.

Under 8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION:

Subp. 2 has been rewritten to eliminate duplicated language and for clarity.

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

Subp. 3 has been rewritten for clarity and also to allow for the computation of the urban maintenance allotment to consider the interest payments due on municipal state aid bonds and be adjusted accordingly. In the past, if an urban municipality's maintenance allocation was not large enough to insure the payment of interest due on state aid bonds for the forthcoming year, the municipality would have to officially request an increase to their maintenance allotment by the transfer of funds from their current construction allocation. This request would be due by December 15 of the year preceding the allotment. The rule will now permit a one time request by an urban municipality for the transfer of funds to cover interest obligations. The rule has also been rewritten so that if an urban municipality requests that the minimum maintenance allocation be greater than 25 per cent, but not more than 35 per cent of their total allocation, they shall file an annual maintenance expenditure report with the commissioner at the end of the year.

Under 8820.1500 CONSTRUCTION FUNDS:

Subp. 2, Subp. 3, Subp. 4 and Subp. 6 have been rewritten for clarity.

Subp. 8, Subp. 9, Subp. 10, Subp 10a and Subp. 12 have been rewritten for clarity and superfluous language removed.

Under 8820.1800 TRANSFERS FOR HARDSHIP CONDITIONS OR OTHER LOCAL USE:

Subpart 1 and Subp. 2 have been rewritten for clarity and superfluous language removed.

Under 8820.1900 TOWNSHIP ALLOTMENTS:

Superfluous language removed and language restructured for clarity.

Under 8820.2000 CONSTRUCTION OF SELECTED STATE PARK PROJECTS:

The word "State" was added to the rule for clarify that a portion of these funds are for use within state parks only.

Under 8820.2100 DISASTER ACCOUNT:

The term "disaster committee" changed to "disaster board" to conform to the law (MS 162.06 Subd. 3) and superfluous language removed.

Under 8820.2300 TURNBACK ACCOUNTS:

In Subp. 1a the term "county town bridge account" has been changed to "town bridge account" for clarity.

In Subp. 1b the words "gravel maintenance" were added to conform to the law. (MS 162.081 Subd. 4)

Under B (1) and (2) the reference to "two mills" has been changed to ".04835 per cent of the taxable market value" to conform to Laws of Minnesota for 1989, Ch. 277, Art.4, Sec. 14.

In Subp. 6 and Subp. 7 the term " district engineer" was changed to "district state-aid engineer" to reflect the responsibility of the position that does the actual acceptance.

Under 8820.2400 TRANSFER OF ACCUMULATED COUNTY-MUNICIPAL ACCOUNT FUNDS TO COUNTY REGULAR ACCOUNT FUND:

In "A" Superfluous language removed and language under "B" restructured for clarity.

Under 8820.2500 MINIMUM STATE AID STANDARDS:

References to specific rules have been changed to conform to the recommended changes in these rules.

Under 8820.2700 MAINTENANCE REQUIREMENTS:

Superfluous language removed.

Under 8820.2800 CONSTRUCTION REQUIREMENTS:

In Subpart 1 superfluous language removed and the words "immediate direction" changed to "supervision" to clearly identify the role of the engineer.

In Subp. 2 the word "final" was added to clearly identify a plan or force account agreement eligible for state-aid construction funds.

Subp. 3 and Subp. 4 were rewritten for clarity.

In Subp. 5 the term "district engineer" was changed to "district state-aid engineer" to reflect the responsibility of the position that actually makes the recommendation. Rewritten for clarity.

Under 8820.2900 TURNBACK ACCOUNT EXPENDITURES:

The paragraph under subpart 1 was divided into Subp. 1 and Subp. 1a for clarity. The language in Subp. 1a was added to clearly identify the name of the town bridge account.

The paragraph under Subp. 2 was divided into Subp. 2 and Subp. 2a for clarity and the language rewritten for clarity.

Under 8820.3100 GENERAL STATE-AID LIMITATIONS:

In Subpart 1 number "8" was changed to "10" to reflect the addition of two additional subparts.

Supb. 2 and Subp. 3 were rewritten for clarity.

In Subp. 6 language was added to the effect that income derived from properties that had been acquired with state-aid monies should be credited to the local agency's road and bridge account.

In Subp. 8 the term "district engineer" was change to "district state-aid engineer" to reflect the position that actually makes recommendations and gender reference was eliminated.

Subp. 9 is new language that establishes a maximum state-aid cost participation schedule when rural roadways with lower traffic volumes are scheduled for an initial surfacing with aggregate base, flexible or rigid pavement.

Subp. 10 is new language that permits a maximum amount of state-aid monies for the use of landscaping.

Under 8820.3300 VARIANCE:

In "C" under Subpart 1 the rule was revised to include language so that a local agency will have to identify what they intend to do in lieu of the required rule.

Subp. 3 has been rewritten to include language that specifies specific wording in the hold harmless resolution that is required before the commissioner will grant a variance.

Under 8820.3400 ADVISORY COMMITTEE ON VARIANCES:

In Subp. 2 language was added to require that at least two elected officials be members of the committee.

Under 8820.9910 GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED (9);
NEW OR RECONSTRUCTION.

The projected ADT changes were revised to bring the standard into conformance with Mn/DOT standards for the same functional class.

The upper limits of the design speeds were revised to bring the geometric standards for Mn/DOT and CSAH into conformance for the same functional class.

The term "traffic bound" was changed to "aggregate surfacing" for clarity.

The structural design was changed in order to achieve uniformity with Trunk Highway standards.

The bridge widths were revised to provide an adequate reaction area to the bridge rail and footnote 4 was revised to provide HS-25 loading on the recommendation of the Mn/DOT Office of Bridges and Structures.

Footnote 3 was revised for clarity.

Footnotes 6 and 7 were added as Mn. Rule 8810.8500, which deals with bridges on local road systems, refers to Mn. Rule 8820 as the standard for construction.

The above changes were endorsed by the Minnesota County Highway Engineers Standards Committee, the Low Volume Roads Task Force and

the Minnesota County Highway Engineers Association Executive Committee.

Footnote 8 was added at the request of the State-Aid Bridge Engineer for clarity.

Footnote 9 was added to provide guidance for design of rural design divided highways.

Under 8820.9925 (Old rule 8820.9914) GEOMETRIC DESIGN STANDARDS: RURAL UNDIVIDED; Resurfacing.

The shoulder-shoulder width in the ADT category of 1,000 and over was changed from 32 feet to 30 feet to bring it into conformance with Trunk Highway overlay standards on local roads and streets. The revision has been endorsed by the Low Volume Roads Task Force and the Minnesota County Highway Engineers Executive Committee.

Under 8820.9930 (Old rule 8820.9911) GEOMETRIC DESIGN STANDARDS: SUBURBAN; NEW OR RECONSTRUCTION

The change in design speed was made as the lower design speed is applicable in developed areas.

The change in bridge widths was made so as to conform to the Geometric Design Standards; Rural Undivided; NEW OR RECONSTRUCTION.

Footnotes 4 and 5 were added for clarity.

Under 8820.9935 (Old rule 8820.9912) GEOMETRIC DESIGN
STANDARDS: URBAN; 30 to 35 m.p.h. DESIGN SPEED; NEW OR
RECONSTRUCTION.

and

Under 8820.9940 GEOMETRIC DESIGN STANDARDS: URBAN; GREATER
THAN 35 M.P.H. Design Speed; NEW OR RECONSTRUCTION.

These charts are new in their entirety and replace the old
chart under rule 8820.9912. The intent is to provide a standard
that is more adaptable to older established cities which are limited
because of complete development. It must be remembered that these
standards are minimum and nothing precludes the use of greater
widths if the level of and the type of traffic demands more than the
minimum width.

Under 8820.9945 (Old rule 8820.9919) GEOMETRIC DESIGN
STANDARDS: URBAN; RESURFACING.

These charts replace the old chart under rule 8820.9919. The
old chart was revised in its entirety to adapt to widths of in-place
streets that are to be resurfaced only.

Under 8820.9950 (Old rule 8820.9913) URBAN ROADWAY
CLASSIFICATION :

The projected traffic ranges were changed to allow greater
flexibility. The footnote was added to provide flexibility on those
streets that require additional traffic lanes during peak traffic

hours by removing parking which is allowed during non-peak traffic hours.

Under 8820.9955 (Old rule 8820.9915) VERTICAL CLEARANCES FOR UNDERPASSES.

The footnote was added to eliminate the need for a variance from this rule when the Minnesota Transportation Regulation Board approves the clearance of the railroad under a roadway bridge.

Under 8820.9960 (Old rule 8820.9916) MINIMUM DESIGN STANDARDS FOR 45-DEGREE AND 60-DEGREE DIAGONAL PARKING.

Superfluous language removed. A footnote relative to clearance behind the curb was added to provide a safety factor to vehicles overhanging the curb.

Under 8820.9965 (Old rule 8820.9917) GEOMETRIC DESIGN STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION.

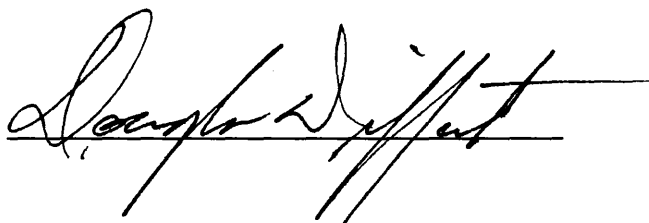
Changes added for clarity.

The change in bridge width was made to conform with rule 8820.9910.

Under 8820.9970 (Old rule 8820.9918) GEOMETRIC DESIGN
STANDARDS: DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL
FORESTS AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; Resurfacing.

Changes were made for clarity.

DATE 6/28/90



LEONARD W. LEVINE,



Commissioner