

DEPARTMENT OF TRANSPORTATION

PROPOSED PERMANENT RULES RELATING TO STATE-AID OPERATIONS

STATEMENT OF NEED AND REASONABLENESS

The Commissioner of Transportation presents facts showing the need for and reasonableness of the proposed rule governing Natural Preservation Routes.

INTRODUCTION

The 1991 regular session of the Legislature passed language directing the Commissioner of Transportation to adopt rules governing a category of roads called Natural Preservation Routes within the County State Aid Highway system.

Mn/DOT set up a task force including representation from environmental groups, government officials and the public to prepare a draft rules proposal. This task force solicited written comments and heard public testimony at several meetings between December 18, 1991 and February 29, 1992, and developed a draft. This draft was taken to the State Aid Rules Committee as required under Minnesota Statutes 162.02. This committee met on May 13, 1992 to review the draft and recommended, with minor changes, that it be adopted as rule.

Solicitation of outside opinion concerning the possible adoption of rules relating to Chapter 8820 was published in the State Register on Monday, March 30, 1992. All comments received were taken to the State Aid Rules Committee for their consideration.

Mn/DOT believes that the proposed rules address the concern for protecting the natural environment while still addressing the safety of the traveling public.

SMALL BUSINESS CONSIDERATIONS

In proposing these rules, the commissioner of transportation has considered the provisions of Minnesota Statutes, section 14.115, relating to the impact of the proposed rule on small business. The commissioner of transportation has determined that adoption of the rule will not affect small business.

PART BY PART STATEMENT OF NEED AND REASONABLENESS

Under 8820.0100 DEFINITIONS

Subp. 12a. Natural Preservation Routes

The description is written to conform to that used in the statute. The term is used throughout the rules therefore it is appropriate

to include a definition.

Under 8820.2500 MINIMUM STATE-AID STANDARDS

Subp. 1. Geometric design standards

The reference to the standards was added to indicate where the geometric design standards for Natural Preservation Routes are located.

NATURAL PRESERVATION ROUTES

8820.4000 REQUEST TO COUNTY BOARD

This section clarifies who may make a written request for designation as a natural preservation route and how the request should be evaluated by the County Board. This is needed to avoid misunderstandings by County Boards receiving designation requests, and is reasonable since it comes directly from the statute.

8820.4010 CHARACTERISTICS OF ROUTE TYPES

This section describes the character of each of the three types of natural preservation routes. It is to clarify what kind of county state aid highways should be considered for natural preservation route status and which type, I, II or III, should be selected. Three types are needed to allow the selection of a design standard that will provide the closest practical match between the competing demands of the roadway and the surrounding environment. Type I and III represent the extremes and Type II is a balanced condition. Fewer types would not address all the range of conditions from one extreme to the other, and more types would create standards indistinguishable from one another. Three is a reasonable number of route types.

A Type I route is needed for situations where a relatively lower standard can be safely accommodated because traffic volumes and speeds are very low, and the dominant route characteristic is the surrounding environment. The route carries primarily local or recreational traffic, and is in a setting where the extremely close proximity of the surroundings is key to the value of the scenic, environmental, or historic characteristic being preserved. There would be little or no traffic on a Type I route that did not have that route as its origin or destination, and volumes would be very low. It is reasonable to have a Type I route category with a relatively lower standard for situations where very low traffic volumes and speeds do not warrant the use of higher standards, and where the close proximity of the surrounding environment is crucial to the character of the roadway.

Type III routes represent the other extreme. A Type III route is

needed for situations where traffic volumes and speeds are relatively higher than the other two type routes, and where large trucks need to use the route regularly, and where the surrounding environment needs to be preserved, but can be at a greater distance from the roadway. The dominant characteristic of a Type III route is its function as a roadway. A Type III route may have local and recreational traffic, but is also used by through traffic, including trucks, in the same manner as a regular County State Aid highway. A Type III route might be in a suburban setting, unlike Type I and II routes, which by virtue of their definitions, are most probably in a rural setting. It is reasonable to have a Type III route category for situations where a relatively higher volume roadway has developed in scenic, historic, or environmentally sensitive surroundings, and where measures can be taken to limit the impact of construction (see standards), but the function of the roadway and public safety must take precedence.

A Type II route is needed for situations where both the surrounding environment and the roadway function are equally important. Traffic is primarily local or recreational, but some through traffic and trucks do need to use the route, and the scenic, environmental, or historic characteristics would be damaged by use of a higher standard. It is reasonable to have a Type II category which provides a compromise between a Type I and a Type III.

The selection of the route type is done by comparing a candidate route to the descriptive criteria in Subparts 2, 3 and 4. It is not possible to develop objective or measurable criteria by which to determine which is the most appropriate route type. The value of the characteristics being preserved is not measurable in terms that would allow an universally acceptable comparison with items related to the roadway function. The geography of Minnesota varies across the state and the natural environment surrounding a proposed natural preservation route as well as the route itself will vary. These open and general guides will eliminate the possibility that a route will be eliminated from consideration due to a single, strict interpretation of a characteristic. The task force, the State Aid Rules Committee, and Mn/DOT recognized the need to keep them as open as possible to allow many routes to be considered for natural preservation route designation. It is reasonable and in the public's interest and in conformance with the intent of the statute to have a set of general guidelines to refer to rather than a strict set of criteria that must be met.

8820.4020 REQUIREMENTS FOR ROUTE DESIGNATION PROPOSALS

This section clarifies the form that a request for designation from a County Board must take and what supporting documentation is required. Requests from county boards are typically transmitted in the form of a resolution. Requiring a resolution is consistent

with existing rule 8820.3300 dealing with requests for a variance. It is reasonable to require supporting data to allow the advisory board and the commissioner to evaluate the proposal using objective criteria and make an appropriate decision on the designation requests in a consistent and equitable manner. While the statute did not specifically grant the authority to request supporting data, it is similar to the data requested in existing rules 8820.3300 and 8820.3400 dealing with requests for variances, and so is reasonable here as well.

It is expected that this supporting data will be prepared by the County Engineer at the direction of the County Board. In discussions of the Task Force, the County Engineer representative approved of the required supporting data. None of the written comments received from County Engineers indicated that any of the supporting data was unreasonable or that its preparation would be burdensome to the County.

Following are specific statements concerning each item of supporting data requested.

Index maps are necessary and reasonable to show the location of the roadway to the advisory committee.

A descriptive narrative is needed to explain to the advisory committee the nature of the roadway, the type of improvements proposed, the surrounding characteristics that are desirable to preserve, the controversy, if any, that surrounds the project, and the type of route being proposed. It is reasonable to require this information to convey to the committee the nature and "feeling" of the roadway as described in proposed rules section 8820.4010.

Photographs are necessary to help convey to the advisory committee the value of the surroundings, many of which are described in visual terms in proposed rules section 8820.4010. It is reasonable to require this data so that these visual images are adequately conveyed.

A listing of parks, river, or other resource areas is needed to help convey to the advisory committee the value of the surrounding environments, which can be indicated by the existence of parks, natural features like lakes or rivers, or other designations like historical districts. It is reasonable to require this data since it is part of the definition of a natural preservation route in the statute and in proposed rules 8820.0100, Subpart 12a, and so that the committee will be aware of the existence of any of these types of areas.

A description of safety hazards and accident history is needed for the advisory committee to determine what threat there may be to public safety. Roadway and roadside safety hazards are readily identifiable by the county engineer and accident data is maintained

by the State of Minnesota. It is reasonable to require this data to protect the public and since the statute requires that these rules address public safety.

A transportation plan and Average Daily Traffic (ADT) is needed for the advisory committee to determine if there will be an adverse impact on other routes in the local road network due to the designation of a natural preservation route. It may also help identify alternate routes for through traffic, enhancing a natural preservation route. It is reasonable to require this data to ensure that the other routes are not adversely impacted by the designation of a route (protecting public safety as required by the statute), or to ensure that a request is not needlessly denied by not considering traffic alternatives.

A description of the function of the route, etc. is needed for the advisory committee to judge the value of the function of the roadway to the travelling public so that it can be compared to the value of the surroundings. It is reasonable to require this information since this data is key to the selection of the route type, as described in proposed rules section 8820.4010 .

A comparison of the operating speed, speed limit, and design speed is also needed for the advisory committee to judge the value of the function of the roadway to the travelling public so that it can be compared to the value of the surroundings. It is reasonable to require this information since this data is key to the selection of the route type, as described in proposed rules section 8820.4010 .

Preliminary design information, if available at the time of designation, is needed for the advisory committee to better judge the impacts of the proposed construction on the environment and to weigh this against any possible threat to public safety. It is reasonable to require this data if it is available, because it will provide the most useful information for the committee to weigh the impacts of construction against the needs of the travelling public, which is important for selection of the proper NPR Type (see proposed rules section 8820.4010).

Cost estimates are needed to assist the advisory committee in judging the value of a proposal. Relative cost differences between NPR and standard construction practices will be an important consideration when making a designation. It is reasonable to require this data so that the advisory committee will not make recommendations that are fiscally irresponsible.

In some cases, environmental documentation may have been completed for a proposed project, or public meetings may have been held. It is necessary that the advisory committee be made aware of any of these circumstances so that valuable past efforts are taken into consideration. It is reasonable to require this information, when it is available, to give the committee a more complete

understanding of the proposal and to make use of previously completed documentation.

A description of land uses and zoning is needed to assist the committee in assessing the future value of the roadway surroundings. It is reasonable to require this information so that natural preservation routes are not designated in areas where the roadside characteristics are not intended to be preserved because of future development. Designation of a route in a location planned for development would be contrary to the definition of a natural preservation route.

A description of provisions for pedestrians, bicycles, and equestrians is needed to assist the committee in determining the appropriateness of the proposal. Natural Preservation Routes are likely to be in recreational areas, and may see higher numbers of pedestrians, bicyclists, and equestrians than regular state-aid highways. It is reasonable to require this information so that the committee can ensure the safety of these highway users, as required by the statute.

8820.4030 ADVISORY COMMITTEE

This section expands upon the language contained in the statute regarding the advisory committee to prevent members from residing in the county requesting the designation. It is necessary to exclude persons from membership on the advisory committee who might have a conflict of interest or a bias toward or against a proposed designation due to their residence in the county. More particularly, members should not be chosen for the committee who have a financial or political interest in the approval or denial of a natural preservation route request, such as an adjacent landowner, local business owner, land developers, local area politicians etc.

It is reasonable to require members to reside in another county to increase the likelihood that committee members will evaluate proposals based on their merits and not on potential personal impacts or financial gains. This section is patterned after existing rule 8820.3400 concerning advisory committees for variances.

The Natural Preservation Route advisory committees would be operated in a similar manner to existing rule 8820.3400. Existing rules section 8820.3500 (MS 162.15) covers the handling of advisory committee members' expenses.

8820.4040 DESIGNATION BY THE COMMISSIONER

This section clarifies that only the commissioner of transportation may designate a natural preservation route and that he may do so only after the advisory committee makes a recommendation. The Task Force and the Rules Committee declined to give the Commissioner a time limit since the governing legislation only placed a limit on the County Board. Proposed rules section 8820.4030 requires the advisory committee to consider all the data and to make a recommendation to the Commissioner. The task force and the Rules Committee retained the words may designate, leaving final authority to the Commissioner, as provided in the governing legislation.

8820.4050 EXTENT OF STATE AID

This section clarifies what items are eligible for state aid participation on a construction project. Natural Preservation Routes are county state aid highways therefore it is appropriate that the same items on Natural Preservation Routes be eligible for reimbursement as on any other county state aid highway. It also doubles the eligibility of landscaping items, since this single item will do the most to restoring the natural beauty of the area after road construction. It is reasonable to expand the eligibility of landscaping items since there may be a need for greater efforts to restore the particular scenic, environmental, or historic characteristics of the impacted surroundings. It is also reasonable to limit the amount to 2% so that excessive amounts of limited transportation funds are not diverted for non-transportation purposes.

8820.4060 GEOMETRIC STANDARDS

This section clarifies what standards should be used in designing a natural preservation route. It also requires the county to consider means to protect the environment during the design phase while still protecting safety. It is necessary to require the county to consider all available means to avoid impacts to the surroundings and to restore impacted surroundings when working on a route that the commissioner has designated a natural preservation route, so that it can be assured that every possible means to preserve and restore the roadside environment has been taken. It is reasonable to require that this additional consideration be made so that the public can be assured that all alternatives have been considered and to comply with the statute which requires these standards to "minimize harmful environmental impacts".

The county shall have made adequate consideration of these design alternatives when the project clears the public hearing required in proposed rules section 8820.4070, and receives the other approvals of local political subdivisions and state and federal agencies as may be required.

8820.4070 RECONSTRUCTION NOTIFICATION

This section requires notification of abutting property owners, and clarifies what type of work should be considered maintenance and what should be considered reconstruction. The statute requires notification of abutting property owners whenever reconstruction is proposed. It is necessary to define what is not considered reconstruction to avoid needless notification for routine maintenance work which does not materially change the character of the roadway or impact the roadside environment. It is reasonable to not require notification of property owners for spot maintenance projects, such as culvert replacements, subgrade corrections, pothole and crack repair, etc. since this type of work is intended to maintain the existing function and character of the roadway, and will not affect the surrounding roadside.

8820.4080 SIGNS

This section clarifies that only the sign from 8820.9990 meets the requirements of the statute. It is necessary to install signs at the beginning of and along natural preservation routes to notify the travelling public that the roadway ahead has been constructed to reduced roadway standards, and to provide liability protection to the county for the use of the reduced standards, as provided in the statute. It is reasonable to require and allow only one type of sign for consistency and ease of understanding throughout the state, and to comply with the statute for liability protection for the state and the county.

8820.4090 REMOVAL OF DESIGNATION

This section clarifies how the designation of a natural preservation route may be removed. The statute does not expressly grant the authority for removal of a designation, however, the statute does give the commissioner the authority to designate a route, and therefore, within that context, the commissioner should also have the authority to remove a designation.

It is necessary to have a process to remove a natural preservation route designation, in the event that the conditions under which the designation was placed no longer exist, the route can be reconstructed to a higher standard. When a route is designated, it is designated based on the existence of a certain set of conditions. When a county board has reason to believe that these original conditions no longer exist, it may pursue removing the designation through the same process by which the route was designated.

The requirement that the county board follow a process similar to the designation process, including a public hearing, will limit the board from removing the designation without thoroughly considering the implications, and ensures consistent and equitable treatment. The public hearing will ensure that the designation removal is adequately publicized before it occurs, and that interested and affected persons have an opportunity to participate. It is not possible to develop objective or measurable criteria by which to determine which is the most appropriate route type. The value of the characteristics being preserved is not measurable in terms that would allow an universally acceptable comparison with items related to the roadway function.

It is reasonable to have a process for removing a route designation because traffic characteristics, roadside conditions, and public values are subject to constant change, and these rules must be flexible enough to responsibly address the possible need to remove a route designation.

8820.9980 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES; NEW OR RECONSTRUCTION.

It is essential when discussing County State-Aid Highway standards to remember the criteria for selection of a state aid highway. Paraphrasing existing rules section 8820.0700, a state-aid highway carries a relatively higher traffic volume; is classified as an arterial or collector; connects towns and provides access to churches, schools, industrial sites, etc.; and provides an integrated highway system. Natural preservation routes must first be county state-aid highways, and must consequently comply with the above criteria. Standards must be selected with this definition in mind.

By its definition, a county state-aid highway will carry a considerable amount of through traffic. Drivers will expect the roadway to have certain features that they have become accustomed to on through routes in the State of Minnesota. Therefore, it is important that standards for natural preservation routes adhere to recognized, safe roadway geometric recommendations. The American Association of State Transportation Officials (AASHTO) is the leading national authority on highway design standards. In the following discussions of elements of the proposed standards, compliance with minimum criteria of AASHTO is sufficient evidence of the reasonableness of a design standard value. Values less than the AASHTO minimums are improper for use on a roadway meeting the selection criteria of a state-aid highway. Values greater than the AASHTO minimums are justified on a case by case basis in the following discussions.

Subsequent references to "the AASHTO Green Book" refer to "A Policy on Geometric Design of Highways and Streets, 1990", also known as

the "AASHTO Green Book", published by the American Association of State Transportation Officials (AASHTO), the leading authority on roadway design standards. The AASHTO Green Book is updated every several years, and prior to 1990 was last updated in 1984. To purchase copies of this book, write to AASHTO, 444 North Capitol Street NW, Suite 225, Washington D.C. 20001, or call (202) 624-5800. References to existing state aid rules section 8820.9965 refer to the National Forest Highway Standards, which were referenced in the governing legislation as the standard that natural preservation routes should not exceed.

Standards are included for all of the geometric and structural items which impact safety and the integrity of the roadway. Different standards are provided for aggregate than for paved surfaces. All of the elements of the standards which are described in the following sections are needed to adequately address the safety of the travelling public and the structural integrity of the roadway. Each element is crucially important to defining some facet of the safety of the roadway which is required by the statute. Additional elements would not enhance roadway safety or function.

It is reasonable to include these elements and only these elements of the standards because they adequately address the need to protect the public safety and the needs of the travelling public, and they follow the format of existing rules 8820.9965 referenced by the statute as the maximum for Natural Preservation Route standards.

Following is a detailed explanation of the rationale for the selection of the value of each element of the standard.

Type I

Design Speed must be a minimum of 30 mph. According to the AASHTO Green Book, design speed is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern. The design speed should be chosen to be consistent with the driver's expectations. Design speed controls the sharpness of the horizontal and vertical curves, important factors in safety. Features like the aggregate surface, curving alignment, closeness of the surroundings, and short trip lengths combine to make a design speed of 30 a reasonable driver expectation on this type of route. Roadway conditions that would support a design speed of less than 30 mph would not be consistent with the definition of a state-aid route.

Lane Width is a minimum of 11 feet. Shoulder Width is a minimum of one foot for gravel surfaced roadways for a total width of 24 feet. For hard surfaced roadways the minimum is two feet for a total of

26 feet. AASHTO recommends a minimum of 24 feet. It is reasonable to add one additional foot on each side of a paved roadway to make it possible to maintain the shoulder aggregate, because two feet is an accepted minimum width that is maintainable by construction equipment. Total widths of less than 24 or 26 feet would be contrary to accepted safe practice, and would be undesirable on a route meeting state-aid selection criteria.

Inslopes must be no steeper than a 3:1 ratio. The AASHTO "Roadside Design Guide" is the leading source for guidance on roadside geometrics and features, and may be obtained at the same address listed above for the Green Book. According to the Roadside Design Guide, critical embankment slopes are those steeper than 3:1. They will cause most vehicles to overturn. It is reasonable to provide a traversable inslope for those vehicles that may leave the traveled roadway on routes meeting state-aid selection criteria, to provide a reasonable level of safety for the travelling public.

Recovery Area must be 3 feet or more for aggregate surfaced roads and 10 feet or more for hard surfaced roads. AASHTO requires a 10 foot recovery area for rural collector roads with design speeds less than 40 mph. It is reasonable to reduce the recovery area to three feet for aggregate surfaced roads, because features like the aggregate surface, curving alignment, closeness of the surroundings, and short trip lengths combine to create conditions where operating speeds would likely be significantly less than 40 mph. Recovery areas of less than 10 feet on paved roadways would be contrary to accepted safe practice, and would be undesirable on a route meeting state-aid selection criteria.

Design Strength must be a minimum of nine-ton for paved roadways. This element does not apply to aggregate surfaced roadways. Since natural preservation routes are likely to carry significant numbers of logging trucks due to their surrounding environment, it is reasonable to require a nine-ton route. This is consistent with existing rules section 8820.9965. Design strength has no bearing on total clearing width, and would not adversely effect roadside features.

New Bridge Width must be a minimum of 28 feet and HS-20 loading. The AASHTO Green Book requires a minimum of the traveled width of the roadway plus 2 feet on each side, for a total of 28 feet for aggregate surfaced roadways and 30 feet for paved roadways. Since the one foot was added to paved roadways for ease of maintenance, it is reasonable to reduce the required width to 28 feet. HS-20 loading, also required by AASHTO, has no effect on roadway width. Constructing a new bridge to a width of less than 28 feet would be contrary to accepted safe practice, and would be undesirable on a route meeting state-aid selection criteria.

Bridge to Remain must be at least 22 feet wide. This is consistent with AASHTO Green Book recommendations. Bridge widths less than 22

feet would be contrary to accepted safe practice, and would be undesirable on a route meeting state-aid selection criteria.

Design Chart Notes not adequately covered above.

(5) Under these conditions, a four foot paved shoulder is recommended for average cyclists by the draft Federal Highway Administration manual, "Selecting Highway Design Treatments to Accommodate Bicycles" (Report No. FHWA-RD-92-073). It is reasonable to accommodate the average cyclist on a route that might be used by recreational cyclists.

(6) Ditches are required to carry away surface runoff and for snow storage. It is reasonable to provide a minimum ditch to preserve the integrity of the road structure.

(7) Clearing width for contractors' working room can be limited to zero in sensitive areas. Even though this is more costly, it is reasonable to protect sensitive roadside features in this manner rather than by narrowing the roadway itself, which adversely impacts driver safety.

Type II

The following discusses design standard elements for Type II routes. These items which are different than those described for Type I.

Design Speed is increased to 40 mph minimum for the paved roadway. By definition, the surrounding environment is "more distant" for a Type II route, and the terrain may not limit vehicle operating speeds to 30 mph. Also, by definition, Type II routes carry a higher volume of traffic than a Type I route and more through traffic is to be expected. It is reasonable to provide a higher design speed since under these conditions, drivers will expect to be able to operate at higher speeds. This slightly exceeds the standards in existing rules section 8820.9965, however, reductions have been made in other cross-section elements so that total construction width will be less than that required in section 8820.9965, conforming to the intent of the originating legislation.

Lane Width has been increased to 12 feet for paved roads. Since Type II routes, by definition, carry through traffic and a higher volume than Type I routes, it is reasonable to require a 12 foot lane, which is consistent with existing rules section 8820.9965, statewide practice, and drivers' expectations.

Shoulder Width has been increased to two feet for aggregate surfaces, and four feet respectively for paved surfaces. This is consistent with AASHTO Green Book recommendations which require a two foot shoulder at average daily traffic (ADT) volumes less than

400 and four foot shoulders at higher levels. It is reasonable that as speeds and volumes increase, shoulder widths should also increase as a necessary safety feature.

Inslope has been increased to a 4:1 ratio for all paved surfaced roadways. Current road design practice is to use 4:1 inslopes. A driver cannot regain control of a vehicle on an inslope steeper than 4:1. Engineering members of the Task Force and the Rules Committee felt strongly that for traffic volumes anticipated with a Type II route, it would be reasonable and in the best public interest to require 4:1 inslopes. A 4:1 inslope ratio exceeds the requirements of existing rules section 8820.9965, however, the standards have been reduced for other cross section elements so that total construction width will be less than that required in section 8820.9965, conforming to the intent of the originating legislation.

Recovery Area is a minimum of 9 feet for aggregate roads and 10 feet for paved roads. This is consistent with AASHTO and existing rules section 8820.9965.

New Bridge Width has been increased to 32 feet for paved surfaced roadways and is consistent with existing rules section 8820.9965.

Bridge to Remain has been increased to 24 feet and is consistent with existing rules section 8820.9965.

Type III

The following discusses design standard elements for Type III routes which are different than those described for Type I and Type II. Three design levels are provided, one for aggregate and two for paved surface roadways. The additional level for paved surface roadways is provided to address natural preservation routes in a suburban environment. By virtue of their definitions, Type I and Type II routes are unlikely to be in a suburban setting.

Design Speed has been lowered to 30 mph for level two designs. This is in recognition of the existence of natural preservation routes in a suburban setting, where traffic volumes are likely to be high, but the combination of roadway features, surrounding environment, and possible speed zoning limit operating speeds to 30 miles per hour.

Lane Width has been increased to 12 feet for all levels. Since Type III routes, by definition, carry through traffic and a higher volume than Type II routes, it is reasonable to require a 12 foot lane, which is consistent with existing rules section 8820.9965, statewide practice, and drivers' expectations.

Shoulder Width has been increased to three, four, and six feet

respectively. These standards do not consider ADT, but it is reasonable to assume that traffic volumes and operating speeds would be higher for level three roadways than for level two, and higher for level two than level one. Therefore, as much as it is possible, this is consistent with existing rules section 8820.9965. It is reasonable that as speeds and volumes increase, shoulder widths should also increase as a necessary safety feature.

Recovery Area has been increased for some levels, but in all cases is less than or equal to the those required in existing rules section 8820.9965.

New Bridge Width requires a minimum of HS-25 loading, which is consistent with existing rules section 8820.9965, and will have no effect on total construction width.

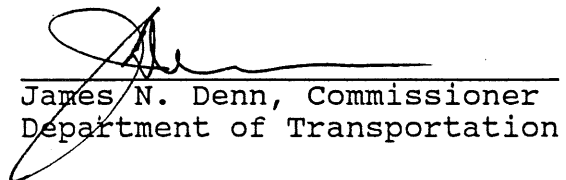
8820.9985 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES; RESURFACING.

These standards are consistent with existing rules section 8820.9965.

8820.9990 ROUTE MARKERS

This clarifies which sign meets the requirements of the statute.

DATE: December 8, 1992


James N. Denn, Commissioner
Department of Transportation

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Mn/DOT believes that the proposed rules address the concern for protecting the natural environment while still addressing the safety of the traveling public.

SMALL BUSINESS CONSIDERATIONS

In proposing these rules, the commissioner of transportation has considered the provisions of Minnesota Statutes, section 14.115, relating to the impact of the proposed rule on small business. The commissioner of transportation has determined that adoption of the rule will not affect small business.

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The Legislative Commission to
Review Administrative Rules

OCT 12 1992



Under 8820.2500 MINIMUM STATE-AID STANDARDS

Subp. 1. Geometric design standards

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NATURAL PRESERVATION ROUTES

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This section clarifies the form that a request for designation from a County Board must take and what supporting documentation is required. It is reasonable to require supporting data to allow the commissioner to evaluate the proposal and make an appropriate decisions on the designation requests in a consistent and equitable manner.

8820.4030 ADVISORY COMMITTEE

This section expands the statute regarding the advisory committee to prevent members from residing in the county requesting the

designation. It is reasonable to restrict membership on the advisory committee to persons who might have a bias toward a proposed designation due to their residence in the county.

8820.4040 DESIGNATION BY THE COMMISSIONER

This section clarifies that only the commissioner of transportation may designate a natural preservation route and that he may do so only after the advisory committee makes a recommendation.

8820.4050 EXTENT OF STATE AID

This section clarifies what items are eligible for state aid participation on a construction project. These are county state aid highways therefore it is appropriate that the same items be eligible for reimbursement as on any other county state aid highway. It also doubles the eligibility of landscaping items. It is reasonable to expand the eligibility of landscaping items since this single item will do the most to restoring the natural beauty of the area after road construction.

8820.4060 GEOMETRIC STANDARDS

This section clarifies what standards should be used in designing a natural preservation route. It also requires the designer to consider means to protect the environment during the design phase while still protecting safety. It is reasonable to require the designer to take extra care in developing a construction plan when working on a route the commissioner, at the request of the County Board, has designated a natural preservation route.

8820.4070 RECONSTRUCTION NOTIFICATION

This section clarifies what type of work should be considered maintenance and what should be considered reconstruction work requiring notification of property owners. It is not reasonable to require notification of property owners for spot maintenance projects which only affect the roadbed and not the surrounding roadside.

8820.4080 SIGNS

This section clarifies that only the sign from 8820.9990 meets the requirements of the statute.

8820.4090 REMOVAL OF DESIGNATION

This section clarifies how the designation of a natural preservation route may be removed. The requirement that the county board follow a process similar to the designation process will limit the board from removing the designation without thoroughly considering the implications.

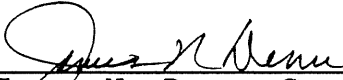
8820.9980 and 8820.9985

Standards are included for all of the geometric and structural items which impact safety and the integrity of the roadway. It is reasonable to require higher standards as the type selected gets higher to reflect the increasing traffic levels on types I to III and the greater need for safety. They require the designer to consider bicycles and alternate means of providing recovery areas in sensitive areas. It is to be expected that this type of route may attract bicyclists and their safety must be considered.

8820.9990 ROUTE MARKERS

This clarifies which sign meets the requirements of the statute.

DATE: October 5, 1992


James N. Denn, Commissioner
Department of Transportation