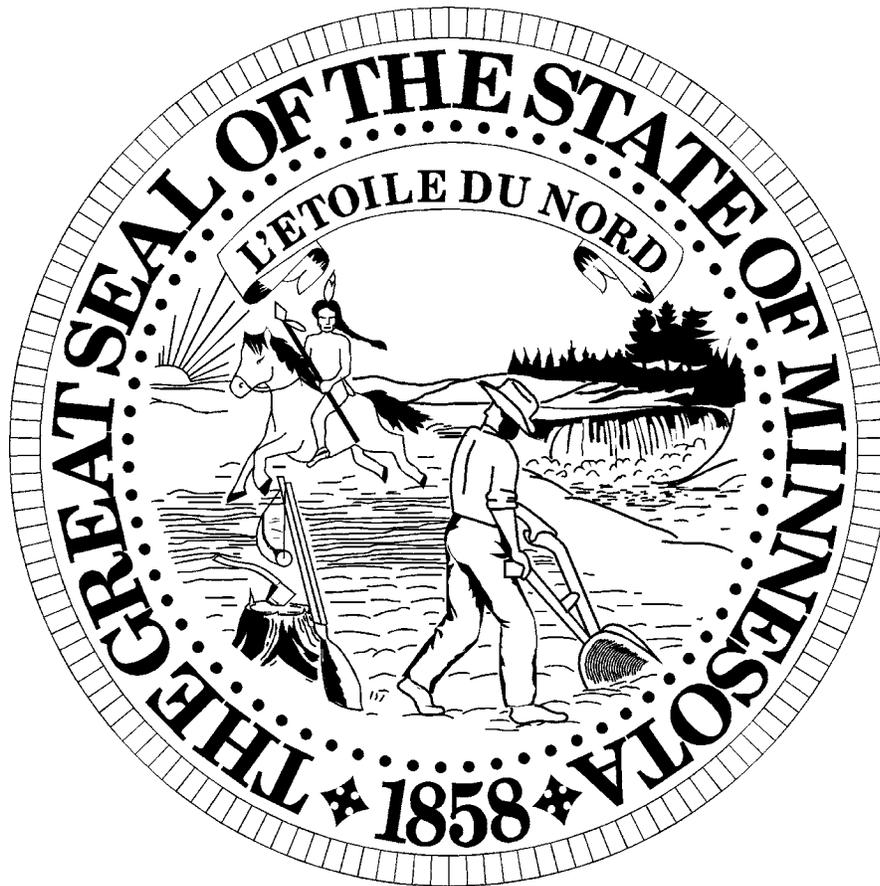


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

**Monday 30 October 2017
Volume 42, Number 18
Pages 479 - 512**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 42 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 19	Monday 6 November	Noon Tuesday 31 October	Noon Thursday 26 October
# 20	Monday 13 November	Noon Tuesday 7 November	Noon Thursday 2 November
# 21	Monday 20 November	Noon Tuesday 14 November	Noon Thursday 9 November
# 22	Monday 27 November	Noon Monday 20 November	Noon Thursday 16 November

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Minnesota State Court System

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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Monday 3 July - Monday 30 October

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Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Office of Administrative Hearings

Workers' Compensation Division

Proposed Expedited Permanent Rules Governing Workers' Compensation Litigation Procedures: Resolution of Claims with Intervenors; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Expedited Permanent Rules Governing Workers' Compensation Litigation Procedures: Resolution of Claims with Intervenors, *Minnesota Rules*, 1420.1850; Revisor's ID Number RD4493

Introduction. The Office of Administrative Hearings (Agency) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until November 29, 2017.

Agency Contact Person. You may submit comments or questions on the rules to the Agency contact person. The Agency contact person is:

Katie Lin
Rulemaking Coordinator
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164
Phone: (651) 361-7911
TDD: (651) 361-7878
Fax: (651) 539-0310
Email: Katie.Lin@state.mn.us

You may also review the proposed rules and submit written comments via the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com/>

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are about workers' compensation intervention practices. The rules allow counsel for the employee and/or employer/insurer to jointly file a partial stipulation. The statutory authority to adopt the rules is Minn. Stat. 176.83, subd. 12. The statutory authority to adopt the rules under the expedited rulemaking process is 2017 Minnesota Laws Chapter 94, Article 5, Section 4. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be also viewed at <https://minnesotaoah.granicusideas.com/>.

Comments. You have until **4:30 p.m. on Wednesday, November 29, 2017**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency contact person by the due date. The Agency encourages comment. Your comment

Expedited Rules

should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The Agency may modify the proposed expedited rules using either of two avenues: The Agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the Agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the Agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the Agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the Agency encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

Adoption and Review of Expedited Rules. The Agency may adopt the rules at the end of the comment period. The Agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Agency to receive notice of future rule proceedings, submit your request to the Agency contact person listed above.

Dated: October 19, 2017

Signed by: Tammy L. Pust, Chief Judge
Office of Administrative Hearings

1420.1850 RESOLUTION OF CLAIMS WITH INTERVENORS; HEARINGS.

Subpart 1. **Stipulations without agreement of all intervenors or potential intervenors.** A stipulation for settlement that does not include the agreement of all intervenors or that seeks to preclude rights of potential intervenors must meet the requirements of this subpart.

[For text of item A, see M.R.]

B. Where other parties have reached an agreement to settle a claim but have been unable to reach agreement with an intervenor, or obtain the intervenor's signature on the stipulation, the requirements of subitem (1) or (2) must be met.

(1) If the stipulation is signed by the intervenor, the stipulation must include a statement that the parties negotiated with the intervenor in good faith but the intervenor chooses not to enter into an agreement and reserves the right to petition for hearing on the merits under subpart 3. ~~By signing the stipulation in this manner, the intervenor is waiving the right to a Parker/Lindberg hearing under subpart 2, but not waiving the right to a hearing on the merits under subpart 3.~~

(2) If the stipulation, or a letter of agreement attached to the stipulation, is not signed by the intervenor, ~~the stipulation must include a statement that the parties were unable to obtain a response from the intervenor despite good faith efforts, or were unable to reach agreement with the intervenor despite the belief that the parties negotiated with the intervenor in good faith and made a reasonable offer to settle the intervention claim. At the time the stipulation is filed for approval, a copy of the stipulation must be served on the intervenor. An affidavit of service of the stipulation must accompany the stipulation when it is filed for approval. the parties must file a partial stipulation for settlement that com-~~

plies with Minnesota Statutes, section 176.521, subdivision 2b.

Subp. 2. [See repealer.]

Subp. 3. **Intervenor hearing on the merits.**

A. If the parties have not fully resolved the intervenor claim following the procedures procedure in subparts subpart 1 and 2 and there is no action pending at the office, a party must file a written petition under Minnesota Statutes, section 176.291, for a hearing on the merits of the intervening party's claim. The petition must be filed within 30 days after an award on stipulation is served and filed. If a petition is pending at the time an award on stipulation is served and filed under subpart 2, the office shall schedule the intervenor claims for a hearing on the merits for at least one-half day.

[For text of item B, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 1420.1850, subpart 2, is repealed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Transportation

Proposed Exempt Permanent Rules Relating to Modifying Local State-Aid Route Standards

8820.0200 DEFINITIONS.

[For text of subps 1 to 16, see M.R.]

Subp. 16a. **Curb reaction distance.** "Curb reaction distance" means the distance measured from the edge of the outside through-traffic lane to the adjacent face of curb.

[For text of subps 17 and 18, see M.R.]

Subp. 19. **District state-aid engineer.** "District state-aid engineer" means a registered licensed engineer employed as

Exempt Rules

the district state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

Subp. 19a. **Excess sum.** “Excess sum” has the meaning given in Minnesota Statutes, section 162.07, subdivision 1a.
[For text of subps 20 to 25, see M.R.]

Subp. 26. **Natural preservation route.** “Natural preservation route” means an existing or proposed roadway that has been designated as a natural preservation route in accordance with Minnesota Statutes, section 162.021, by the commissioner upon petition by a county board and that possesses sensitive or unique scenic, environmental, pastoral, or historical characteristics. Examples may include, but are not limited to, roads along lakes, rivers, wetlands, or floodplains or through forests or hilly, rocky, or bluff terrain.

[For text of subps 27 to 29, see M.R.]

Subp. 30. **Reconditioning.** “Reconditioning” includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Reconditioning may include curb replacement along no more than 20 percent of the length of the project, not including curb replacement for purposes of meeting the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101 et seq requirements. Work does not normally extend beyond the existing ditch bottom.

[For text of subp 31, see M.R.]

Subp. 31a. **Rural.** “Rural” means a roadway that includes ditches and is located in an area that is not presently, nor will it be in the foreseeable future, sufficiently developed to warrant that use of an urban design.

[For text of subps 32 to 34, see M.R.]

Subp. 35. *[See repealer.]*

Subp. 36. **State-aid engineer.** “State-aid engineer” means a registered licensed engineer employed as the state-aid engineer of the Minnesota Department of Transportation, or a designated representative.

[For text of subps 37 to 43, see M.R.]

Subp. 43a. **Urban.** “Urban” means a roadway that includes a curb and gutter and is, or will be in the foreseeable future, located in an area that is sufficiently developed to warrant an urban design.

[For text of subps 44 to 46, see M.R.]

8820.0400 LOCAL HIGHWAY AND STREET DEPARTMENTS.

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

8820.0800 ROUTE DESIGNATION PROCEDURES; TURNBACKS; REVOCATION.

Subpart 1. **Resolution and certification.** ~~With regard to~~ Route designations; for county state-aid highways (CSAH) and municipal state-aid streets (MSAS) must be selected by the respective boards of county commissioners or governing bodies of urban municipalities. The highway or street selections must be reviewed by the district state-aid engineer of that area and the engineer’s recommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards or governing bodies shall establish the route by designation. For MSAS routes to be designated on county roadways, the designation must be approved in the form of a resolution by the county board and the resolution filed with the commissioner. After receipt of each board action requesting designation, the commissioner

shall approve all or part of the highway or street designations that comply with the criteria set out in this chapter. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of the highway or street designation. Highways or streets so approved become a part of the CSAH system or the MSAS system, subject to additions or revisions as may be, from time to time, requested and approved.

Subp. 1a. **Route revisions.** Route revisions must be completed in accordance with subpart 1, except that revisions may be made on the basis of a construction plan, approved by a state-aid engineer, without action of the respective governing body if the designated route is relocated and the function of the designated route at the previous location is transferred to the new location.

[For text of subp 2, see M.R.]

Subp. 3. **Payback on revoked state-aid routes.** If a local unit of government revokes a state-aid route for which state-aid construction money has been spent, the district state-aid engineer shall determine the remaining life of the project and compute the value of the items that were financed with state-aid money. This computed value must be subtracted from the next state-aid contract let by the local unit of government. For this determination, (1) the life of a construction and reconstruction project is 25 years, (2) the life of a bridge project is 35 years, and (3) the life of a surfacing or reconditioning project is ten years. ~~Payback is not required if the state-aid construction was a special resurfacing project.~~

8820.1000 MONEY NEEDS AND APPORTIONMENT DETERMINATION.

Subpart 1. **Construction cost estimates data.** To provide data to implement the formulas for state-aid apportionment, each county highway engineer and city engineer ~~shall prepare cost estimates of construction required to~~ must provide the commissioner actual cost data for all construction projects that improve the county state-aid or municipal state-aid system to approved standards.

Subp. 2. **Incidental costs.** In addition to the direct construction or maintenance costs permitted under law, the ~~cost~~ costs of the following incidental items ~~is~~ are eligible for inclusion in the ~~total estimate of~~ determining money needs:

- A. right-of-way;
- B. automatic traffic control signals;
- C. lighting of roadways and bridges within approved standards; and
- D. drainage costs.

Subp. 3. [Repealed, 20 SR 1041]

8820.1400 MAINTENANCE, CONSTRUCTION, ~~TOWN BRIDGE,~~ AND ~~TURNBACK TOWN ROAD~~ ACCOUNTS; STATE-AID PAYMENTS.

[For text of subps 1 to 8, see M.R.]

8820.1500 CONSTRUCTION FUNDS.

Subpart 1. [Repealed by amendment, 8 SR 2146]

Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to the execution of a contract that includes a requirement for bond, and a payment request, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt of a signed supplemental agreement, change order, or work order, including by means of an electronic signature, for a major addition to the contract, or appraised values for additional right-of-way costs, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the supplemental agreement, change order, work order, or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon

Exempt Rules

proof of acquisition and availability of funds, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer.

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available any remaining money due to the state-aid portion of the contract.

[For text of subps 3 to 12, see M.R.]

8820.1800 TRANSFER FOR HARDSHIP CONDITION OR LOCAL OTHER USE.

[For text of subp 1, see M.R.]

Subp. 2. **Other local use.** When the county board or governing body of an urban municipality desires to use a part of its state-aid allocation on local roads or streets not on an approved state-aid system, it shall certify to the commissioner that its state-aid routes are improved to state-aid standards or are in an adequate condition ~~that does not have needs other than additional surfacing or shouldering needs identified in its respective state-aid needs report. The state-aid engineer must concur before state-aid funds are expended.~~ That portion of the county or city apportionment attributable to needs must not be used on the local system.

A construction project for a local road or street not on an approved state-aid system and not designed to state-aid standards must not be given final approval by the State Aid for Local Transportation Division unless the plan is accompanied by a resolution from the respective county board or urban municipality that indemnifies, saves, and holds harmless the state of Minnesota and its agents and employees from claims, demands, actions, or causes of action arising out of or by reason of a matter related to constructing the local road or street as designed. The resolution must be approved by the respective county board or urban municipality and agree to defend at the sole cost of the county or urban municipality any claim arising as a result of constructing the local road or street.

Payment for the project must be made in accordance with part 8820.1500, subparts 1 to 5.

8820.2100 DISASTER ACCOUNT.

~~The commissioner must authorize the disaster board to inspect the disaster area if the requesting county or urban municipality damage estimate exceeds ten percent of the current road annual state-aid allotment to the county or urban municipality. The disaster board must consider the availability of any state and federal disaster relief funds before making its recommendation. A disaster appropriation approved by the commissioner for a county or urban municipality in accordance with law, must be promptly paid after a work plan for each project under this part is submitted, up to 95 percent of its estimate to the county or urban municipality for which the appropriation was authorized. The funds so allotted and paid to the county or urban municipality may only be spent for the purpose for which they were authorized, and within a reasonable time specified by the commissioner. Immediately upon completion of the work for which the disaster payment was made or the expiration of the time specified for doing the 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. If the total disaster allotment was not required or used for the purpose specified or if state or federal disaster aid is later received, the remainder and an amount equal to the state or federal aid received must be promptly reimbursed to the commissioner for redeposit in the county state-aid highway fund disaster account 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 board to inspect the disaster area. The disaster board shall consider the availability of any available federal disaster relief funds before making its recommendation disaster account.~~

8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.

[For text of subps 1 to 2, see M.R.]

Subp. 2a. **Town road account allocation.** The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by Minnesota Statutes, section 162.081, subdivisions 2 and 4.

A: The funds apportioned to a county from the town road account must be distributed to the treasurer of each eli-

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gible town within 30 days of the receipt of the funds by the county treasurer, according to a distribution formula adopted by the county board. The county board must consider each town's levy for road and bridge purposes, its population, length of town roads road mileage, and other factors considered advisable to the interest of achieving equity among the towns. The county treasurer is the treasurer for eligible unorganized towns.

B. If a county board does not adopt a distribution formula, the funds must be distributed to the town according to subitems (1) to (4) items A and B.

(1) The county auditor shall certify to the commissioner the name of each town that has levied 0.04835 percent of taxable market value of the town for road and bridge purposes in the year preceding the allocation year.

(2) The county auditor shall certify to the commissioner the name of each unorganized town in which the county has levied 0.04835 percent of taxable market value of the unorganized town for town road and bridge purposes in the year preceding the allocation year.

A.

(3) Fifty percent of the funds apportioned to a county must be distributed to an eligible town based upon the percentage that its population bears to the total population of the eligible towns in the county.

B.

(4) Fifty percent of the funds apportioned to a county must be distributed to eligible towns based upon the percentage of the length of town roads of each town to the total length of town roads of eligible towns in the county.

[For text of subps 3 to 6, see M.R.]

Subp. 6a. **In lieu payment.** In lieu of contracting work or force account work, the commissioner, with concurrence of the receiving agency, may enter into an agreement to pay a lump sum payment from the turnback account to the receiving agency's road and bridge account, or encumbered within the turnback account to be paid as county or municipal construction, equal to the net value of eligible turnback costs for a project to be constructed within 20 years of the release date.

[For text of subp 7, see M.R.]

8820.2400 TRANSFER TO COUNTY REGULAR ACCOUNT FUND.

Upon receipt of a certified copy of a county board resolution under Minnesota Statutes, section 162.08, requesting the transfer of part or all of the total accumulated amount in the county municipal account fund; to the county regular account fund, the commissioner shall transfer the funds; ~~provided the county submits a written request to the commissioner and holds a public hearing within 30 days of the request to receive and consider objections by the governing body of a city within the county, having a population of less than 5,000, and:~~

~~A. no written objection is filed with the commissioner within 14 days of that hearing; or~~

~~B. 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:~~

~~(1) the identified highway is not deficient in meeting minimum state-aid street standards;~~

~~(2) 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~~

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(3) there are conditions created by or within the city beyond the control of the county that prohibit programming or reconstruction of the identified highway.

8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

When the road authority has determined that the roadway will be specifically designed to include on-road bicycle facilities, and only if the roadway surface is paved, the appropriate design criteria in the current MnDOT Bikeway Facility Design Manual are recommended for design purposes to accommodate the bicycle facility.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart. Where two dimensions are indicated, the larger values within the ranges are desirable.

Projected ADT (a)	Lane Width (b)	Shoulder Width	In-slope (b)(c)	Clear Zone (e)(d)	Minimum Design Speed (d)(e)	Sur-facing	Structural Design Strength	Bridges to Remain (e)(f) Width Curb to Curb
	feet	feet	rise:run	feet	mph		tons	feet
0-49	11-12	1	1:3	7	30- 60	Agg.		22
50-149	11-12	3	1:4	9	40- 60	Agg.		22
150-299	11-12	4	1:4	15	40- 60	Agg./Paved	7-ton/10-ton-Staged (g)(h)	28
300-749	11-12	4	1:4	15	40- 60	Paved	10-ton Staged (g)(h)	28
750-1499	11-12	4	1:4	25	40- 60	Paved	10-ton Staged (g)(h)	28
1500 and over	11-12	6(f)6(g)	1:4	30	40- 60	Paved	10	30

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ten tons structural design and minimum 40 mph design speed.

(a) Use the existing traffic for highways not on the state-aid system.

(b) The state-aid engineer may approve lane widths of ten feet on roads classified as local or collector if truck and bus volumes are relatively low, rights-of-way are constrained, design speeds are 35 mph or less, and ADT is less than 1,500.

(b)(c) Applies to slope inslope within the clear zone only. Approach roadway sideslopes in the clear zone must be 1:4 or flatter. Mn/DOT Road Design Manual clear zone may be used.

(e)(d) Culverts with less than 30-inch vertical height allowed without protection in the clear zone. Mn/DOT Road

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Design Manual clear zone widths may be used in lieu of the values in the table in this part.

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

For roadways in suburban areas as defined in part 8820.0200, the clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 45 mph or less, the clear zone may be reduced to a width of ten feet.

~~(d)~~ (e) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

~~(e)~~ Inventory rating of H-15 is required. ~~(f)~~ Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~(f)~~ (g) Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected, at least two feet of which must be paved. ~~If the roadway is designated as a bicycle facility by the road authority, at least four feet of the shoulder shall be paved.~~

~~(g)~~ (h) Except within municipal corporate limits, ten-ton staged structural design must be able to carry ten-ton axle loads except during spring load-restriction periods, or year-round if needed for system continuity. Roadbed width must accommodate ultimate ten-ton pavement overlay thickness and ultimate 1:4 sideslope. Within municipal corporate limits, minimum structural design must support nine-ton axle strength.

~~Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.~~

~~HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be no less than either the minimum required lane plus shoulder widths or the proposed lane plus shoulder widths, whichever is greater. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane widths plus four feet, and in no case less than required per Minnesota Statutes, section 165.04.~~

~~Vehicle roadway bridge and underpass structures when two-way bicycle traffic is accommodated: on bridge or underpass sidewalks, the sidewalk clear width shall be no less than eight feet, but preferably ten feet. Whenever practicable, the shoulder/clear zone of an off-road shared use path should be carried across bridges and through underpasses and the minimum structure clear width must be 12 feet. When the full width of the approach shared use path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach shared use path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.~~

8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.

New bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system must meet or exceed the minimum dimensions indicated in the following design chart.

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Existing ADT (a)	Lane Width(b)	Shoulder Width	Inslope (b) (c)	Clear Zone (e) (d)	Minimum Design Speed (d) (e)
	(feet)	(feet)	(rise: run)	(feet)	(mph)
0-49 (f)	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	11 12(f)	4	1:4	15 (e) 15(g)	30-60

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For existing ADT greater than 400, part 8820.9920 standards apply.

(b) The state-aid engineer may approve lane widths of ten feet on roads classified as local or collector where truck and bus volumes are relatively low, rights-of-way are constrained, design speeds are 35 miles per hour or less, and ADT is less than 1,500.

(b) (c) Applies to slope within the clear zone only.

(e) (d) Culverts with less than 30-inch vertical height allowed without protection in the clear zone. Mn/DOT Road Design Manual clear zone widths may be used in lieu of the values in the table in this part.

(d) (e) Subject to terrain.

(f) Where two dimensions are shown, the larger values within the range are desirable.

(e) (g) For roadways in suburban areas, the clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is ~~40~~ 45 miles per hour or less, the clear zone may be reduced to a width of ten feet.

~~HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane width plus four feet, and in no case less than required per Minnesota Statutes, section 165.04.~~

Bridge structures Bridges and approach roadways of minimum 20-foot clear width and 20-foot width to the outsides of the shoulders may be constructed where existing ADT is less than 50, potential for increasing ADT is low, and the local government agency finds that the bridge width can operate effectively at that width for the expected life of the bridge.

HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than (1) the minimum lane width plus four feet, and (2) the width required under Minnesota Statutes, section 165.04.

8820.9926 MINIMUM DESIGN STANDARDS: RURAL AND SUBURBAN UNDIVIDED; RECONDITIONING PROJECTS.

Subpart 1. **Minimum reconditioning standards.** Reconditioning projects for rural or suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart. See part 8820.0200, subpart 30, for the description of activities allowed.

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Existing ADT	Statutory or Regulatory Posted Speed	Lane Width (Paved)	Combined Lane (Paved) and Shoulder Width
1-749	Under 50 mph 45 mph or less	10 feet	11 feet
1-749	50 mph or over	10 feet	12 feet
750 and over	Under 50 mph 45 mph or less	10 feet	12 feet
750 and over	50 mph & <u>and</u> over	11 feet	14 feet

When the road authority has determined that the roadway will be specifically designed to include on-road bicycle facilities, and only if the roadway surface is paved, the appropriate design criteria in the current MnDOT Bikeway Facility Design Manual are recommended for design purposes.

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. ~~H-15 inventory rating is required.~~ Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Any highway that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, may be reconditioned.

The proposed structural design strength must accommodate a minimum of seven tons per axle.

Subp. 2. [Repealed, 23 SR 1455]

8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways without a designated on-road bicycle facility must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e) (c)	Parking Lane Width(e)
	mph	feet	feet	feet
Collectors or Locals with ADT < 10,000	30-40 30-45	(b) 11-10-11	2 1-2 (d)	8 7-8
	50 or over 40	11-12	2	10 8-10
Collectors or Locals with ADT ≥ 10,000 and Arterials	30-40 30-35	(b) 11-10-11	(e) 4 1-2 (d)	10 7-10
	over 40 40-45	11-12	(e) 4 1-4	(d) 10 7-10
	50 or over	11-12	2-4	Not allowed

Engineering judgment may be used to choose a lane-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

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(a) Twelve feet should be considered in industrial areas. One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 50 mph or higher.

(b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used. Ten feet may be considered where truck or bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less. Eleven feet minimum is required on four-lane, undivided facilities.

(c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.

(e) (c) Curb reaction must be provided only where parking is not provided.

(d) The state-aid engineer may approve a zero foot curb reaction distance where the cross-section is constrained, appropriate curb types are used, and drainage collection is adequate. The curb must be constructed without a gutter or monolithically with the adjacent traveled way.

(e) The roadway ADT and the vehicle mix must be considered when determining parking lane width. In commercial or industrial areas, the minimum parking lane width is eight feet.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must be a minimum nine tons structural axle load design.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS-25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS-18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted design speed is 40 to 45 mph. A ten-foot clear zone measured from the driving lane must be provided when the posted design speed exceeds 45 is 50 mph or higher.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better. Unless four lanes are provided, an engineering traffic study is required for traffic volumes greater than 15,000 projected ADT to determine lane configuration and lane use.

8820.9941 MINIMUM DESIGN STANDARDS: ON-ROAD BICYCLE FACILITY FOR URBAN; NEW OR RECONSTRUCTION PROJECTS.

The bicycle facility design standard in this part applies when the road authority has determined that the roadway will

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be specifically designed to include an on-road bicycle facility and only if the roadway surface is paved.

New or reconstruction projects for urban roadways must meet or exceed the dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (d) (c)	Parking Lane Width (f) (e)	Bikeway Design Roadways with Two Travel Lanes Urban Curb and Gutter		Bikeway Design Roadways with Four or more Travel Lanes Urban Curb and Gutter
					(ADT)	(feet)	
Collectors or Locals with ADT <2,000	25-30	10-12 (e)10-11 (b)	21-2 (d)	7-10 7-8	<500	SL	N/A
					500-2,000	WOL 14-16 or BL 5-6	
	35-40 35-45	11-12 10-11 (b)	21-2 (d)	8-10 7-8	<500	SL or BL 5	BL 5-6
					500-2,000	WOL 14-16 or BL 5-6	
	50 or over 40	12 11-12	2	10 8-10		BL 5-6	BL 5-6
Collectors or Locals With ADT 2,000-5,000	25-30	10-12 (e)10-11 (b)	21-2 (d)	7-10 7-8		WOL 14-16 or BL 5-6	WOL 14-16 or BL 5-6
	35-40 35-45	11-12 10-11 (b)	21-2 (d)	8-10 7-8		BL 5-6	BL 5-6
	50 or over 40	12 11-12	2	10 8-10		BL-6	BL 6
Collectors or Locals with ADT 5,000-10,000	25-30	10-12 (e)10-11 (b)	21-2 (d)	7-10 7-8		BL 5-6	WOL 14-16 or BL 5-6
	35-40 35-45	11-12 10-11 (b)	21-2 (d)	8-10 7-8		BL 5-6 or PS 8	BL 5-6
	50 or over 40	12 11-12	2	10 8-10		BL 6 or PS 8 or SUP	BL 6 or PS 8 or SUP
Collectors or Locals with ADT >10,000 and Arterials	30-40 30-35	11-12 10-11 (b)	4(b)1-2 (d)	10 7-10		BL 6 or PS 8 8-10 or SUP	BL 6 or PS 8 8-10 or SUP
	over 40 40-45	12 11-12	4(b)1-4	10(c)7-10		BL 6 or PS 8 8-10 or SUP	BL 6 or PS 8 8-10 or SUP
	50 or over	11-12	2-4	Not allowed		BL 6 or PS 8-10 or SUP	BL 6 or PS 8-10 or SUP

(SL = shared lane; BL = bicycle lane; WOL = wide outside lane; PS = paved shoulder; SUP = shared use path)

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane

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configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Twelve feet should be considered in industrial areas. Eleven feet minimum is required on four-lane, undivided facilities. One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 50 mph or over.

(b) Curb reaction distance may be reduced to two feet if there are four or more traffic lanes and on one-way streets. A combination of all minimum widths for the driving lane, on-road bicycle lane, and parking lane is only permissible with a variance. Ten feet may be considered where truck and bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less.

(c) No parking is allowed on streets with six or more traffic lanes or when the posted speed limit exceeds 45 mph.

(d) (c) Curb reaction shall be provided unless on-street parking, a bicycle facility, or a wide outside lane are provided adjacent to the curb. The dimensions for wide outside lanes include the curb reaction distance.

(e) When creating a multimodal design with a combination of vehicle lane, parking lane, and bikeway lane widths, if a vehicle lane width of less than 11 feet is used, the parking and bikeway lanes shall be at least one foot wider than the minimum widths. Engineering judgment should be used to choose a vehicle lane width of less than 11 feet. Additional factors to consider include the types of vehicles (buses, trucks, etc.), peak hour counts, turning movements, population/land use, crash history/analysis, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, and snow storage.

(d) The state-aid engineer may approve a zero foot curb reaction distance where the cross-section is constrained, appropriate curb types are used, and drainage collection is adequate. The curb must be constructed without a gutter or monolithically with the adjacent traveled way.

(f) (e) In determining the parking lane width, the roadway ADT and the vehicle mix shall be taken into consideration for residential. In commercial and/or or industrial areas, or for a mixed-use thereof the minimum parking lane width is eight feet.

One-way streets must have at least two through-traffic lanes.

When a raised median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must accommodate a minimum nine tons structural axle load design.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standards Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. When the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus one-half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45

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mph. A ten foot clear zone measured from the driving lane must be provided when the posted speed exceeds 45 is 50 mph or over.

For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better. Unless four lanes are provided, an engineering traffic study is required for volumes greater than 15,000 projected ADT to determine lane configuration and lane use.

Structures: Vehicular roadway bridge and underpass structures when two-way bicycle traffic is accommodated: on bridge or underpass sidewalks, the sidewalk clear width shall be no less than eight feet, but preferably ten feet. Whenever practicable, the shoulder/clear zone of an off-road shared use path should be carried across bridges and through underpasses. The minimum structure clear width must be 12 feet. When the surface width plus shoulder/clear zone full width of the approach shared use path is greater than the proposed clear width of the structure, a lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach shared use path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.

8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
	(feet)	(feet)	(feet)	(tons)
2-Lane Collector or Local with ADT < 10,000	26 <u>22</u>	32 <u>28</u>	38 <u>34</u>	(b) 9
4-Lane Collector or Local with ADT < 10,000	44	52 <u>51</u>	60 <u>58</u>	(b) 9
2-Lane Collector or Local with ADT ≥ 10,000 or 2-Lane Arterial (a)	26 <u>22</u>	32 <u>28</u>	42 <u>34</u>	9
4-Lane Collector or Local with ADT ≥ 10,000 or 4-Lane Arterial	44	54 <u>51</u>	64 <u>58</u>	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, seven tons is allowable.

(c) No parking is allowed.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Exempt Rules

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AAS-HTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Subp. 2. **One-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for one-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10,000	< 5,000	21	29	37	7
	5,000-10,000	23	31	39	9
2-Lane Collector or Local with ADT ≥ 10,000 or 2-lane Arterial	< 15,000	23	31	39	9
	10,000-15,000 ≥ 15,000	24	32	40	9
3-Lane Arterial or Collector	All	34	42	50	9

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AAS-HTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

Subp. 3. **Exception.** Any street that was previously built to state-aid or state standards, or that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, but does not meet current standards, may be reconditioned regardless of subparts 1 and 2.

8820.9951 MINIMUM DESIGN STANDARDS, ON-ROAD BICYCLE FACILITIES FOR URBAN; RECONDITIONING PROJECTS.

The bicycle facility design standard in this part applies when the road authority has determined that the roadway will be specifically designed to include an on-road bicycle facility, ~~and only if the roadway surface is paved.~~

Reconditioning projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Exempt Rules

Number of Through Lanes, Functional Class, and Present Traffic Volume	Design Speed	Lane Width(a)	Parking Lane Width (e)(d)	Proposed Struc- tural Design Strength	Bikeway Design	
					(ADT)	(feet)
Two-Lane Collectors or Locals with ADT <10,000	25-30	10-12 (d) 10-11 (b)-(c)	7-10 7-8	9 (b) (e)	<1,000	SL
					1,000- 5,000	WOL 14- 16 or BL 5-6
					5,000- 10,000	BL 5-6
	35- 40 35-45	11-12 10-11 (b)-(c)	8-10 7-8	9 (b) (e)	<500	SL or BL 5-6
					500- 10,000	BL 5-6 or PS 8
	50 or over 40	11-12	10 8-10	9 (b) (e)	<10,000	BL 5-6 or PS 8 or SUP
Two-Lane Collectors or Locals With ADT >10,000 or Two-Lane Arterials (a)	25-30	10-12 (d) 10-11 (b)-(c)	7-10	9	>10,000	BL 5-6
	35- 40 35-45	11-12 10-11 (b)-(c)	8-10 7-10	9	>10,000	BL 5-6 or PS 8 or SUP
	50 or over 40	11-12	10 Not al- lowed	9	>10,000	BL 6 or PS 8 8-10 or SUP
Four-Lane Collectors or Lo- cals with ADT <10,000	25-30	10-12 (d) 10-11 (b)-(c)	7-10 7-8	9 (b) (e)	<10,000	WOL 14- 16 or BL 5-6
	35- 40 35-45	11-12 10-11 (b)-(c)	8-10 7-8	9 (b) (e)	<10,000	BL 5-6
	50 or over 40	11-12	10 8-10	9 (b) (e)	<10,000	BL 6 5-6 or PS 8 or SUP
Four-Lane Collectors or Lo- cals with ADT >10,000	30- 40 30-45	11-12 10-11 (c)	10 7-10	9	>10,000	BL 6 or PS 8 8-10 or SUP
	50 or over 40	11-12	10 Not al- lowed	9	>10,000	BL 6 or PS 8 8-10 or SUP
Six-Lane Collectors or Arte- rials		12 11-12	(e)Not allowed	9	Not allowed	SUP

(SL = shared lane; BL = bicycle lane; WOL = wide outside lane; PS = paved shoulder; SUP = shared use path)

Engineering judgment should be used to choose a lane-width, on-road bicycle facility, or shoulder width dimension other than the widths indicated in the chart. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, on-street parking, intersection and driveway spacing, rights-of-way constraints, vehicle turn lane configuration, sight distance, sight lines, bus routes, other nonmotorized uses, functional classification, or other factors.

Exempt Rules

Dimensions less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) ~~A road may be reconditioned under this part if present traffic volumes are less than 15,000 ADT. Eleven feet minimum is required on four-lane, undivided facilities. Twelve feet should be considered in industrial areas.~~

(b) ~~When ADT is less than 5,000, seven-ton axle load structural design strength is allowable. Ten feet may be considered where truck and bus volumes are relatively low, rights-of-way are constrained, and design speeds are 35 mph or less.~~

(c) ~~No parking is allowed for six-lane collectors or arterials. A combination of all minimum widths for the driving lane, on-road bicycle lane, and parking lane is only permissible with a variance.~~

(d) ~~When creating a multimodal design with a combination of vehicle lane, parking lane, and bikeway lane widths, if a vehicle lane width of less than 11 feet is used, the parking and bikeway lanes shall be at least one foot wider than the minimum widths. Engineering judgment should be used to choose a vehicle lane width of less than 11 feet. Additional factors to consider include the types of vehicles (buses, trucks, etc.), peak hour counts, turning movements, population/land use, crash history/analysis, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, and snow storage.~~

(e) ~~(d) In determining the parking lane width, the roadway ADT and the vehicle mix shall be taken into consideration for residential, commercial and/or industrial areas, or for a mixed use thereof. The minimum parking lane width is eight feet.~~

(e) When ADT is less than 5,000, seven-ton axle load structural design strength is permissible.

A minimum curb reaction of one foot shall be provided unless on-street parking, a bicycle facility, or a wide outside lane are provided adjacent to the curb. The dimensions for wide outside lanes include the curb reaction distance. When a raised median is included in the design of the two-way roadway, a one-foot minimum curb reaction distance to the median is required on either side of the median. Minimum median width is four feet.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus one-half the sum of the shoulders, parking lane, and curb reaction distance. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	<u>Minimum</u> Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise: run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	9	9	22

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic.

Exempt Rules

other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a four-foot paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within the clear zone only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) Inventory rating of HS-15 is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.~~

~~HS-20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS-18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths plus four feet.~~

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and clear zone must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Minimum Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise: run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11	2	1:3	9		22
Paved (e)	30/40	11	3	1:4	9	9	22
Paved	40	11	3	1:4	9	9	22

Exempt Rules

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the clear zone when the ADT exceeds 400.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) This standard may be applied only when the project is located in a subdivided area.~~

~~(e) Inventory rating of HS 15 is required.~~ (d) Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRF (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) A 30 mph design speed may be applied only when the project is located in a suburban area.

~~HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRF (load and resistance factor rating) for inventory level.~~ The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the clear zone, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Exempt Rules

Surface Type	Minimum Design Speed	Lane Width	Shoulder Width	Inslope	Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet)	(rise:run)	(feet)	(tons)	(feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11-12	3	1:4	10		24
Paved (e)	30	12	4	1:4	10	9	24
Paved (e)	40	11-12	4	1:4	15	9	24

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance under parts 8820.3300 and 8820.3400.

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within the clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the clear zone when the ADT exceeds 400.

(c) Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

~~(d) Inventory rating of HS-15 is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.~~

~~(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards. A design speed of 30 mph and a clear zone of ten feet may be applied when the project is located in a suburban area.~~

~~HS-25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS-18 loading is required for all rehabilitated bridges. HL-93 loading in the AASHTO LRFD (load and resistance factor design) Specifications is required for new or reconstructed bridges. Rehabilitated bridges must have a load rating factor of at least 0.9 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.~~

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the clear zone, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Exempt Rules

8820.9986 MINIMUM DESIGN STANDARDS: NATURAL ~~RESERVATION~~ PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RECONDITIONING PROJECTS.

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

TYPE I, II, OR III ROUTE

Proposed Design Strength (tons)	Pavement Width (feet)	Shoulder-to-Shoulder Width (feet)
7	22 (a)	26 (a)

Engineering judgment may be used to choose dimensions other than those indicated in the chart for roadways. Factors to consider include safety, speed, population, land use, benefit-cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Dimensions less than those indicated in the chart under this part require a variance under parts 8820.3300 and 8820.3400.

(a) Natural preservation routes may be reconditioned to existing pavement and shoulder widths.

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. H 15 loading is required. Bridges to remain must have a load rating factor of at least 0.75 using the AASHTO Manual for Bridge Evaluation, LRFR (load and resistance factor rating) for inventory level.

8820.9995 MINIMUM ~~BICYCLE OFF-ROAD AND SHARED USE~~ PATH STANDARDS.

Minimum Bicycle Path Standards^(a)

For Off-Road Bike <u>Shared Use</u> Path Design, the following shall apply:	
Minimum Surface Width (two-way)	8 ft (b) <u>(a)</u>
Shoulder/Clear Zone	2 ft (b) <u>(c)</u> (d)
Inslope	Maximum 1:2 (rise:run)
Design Speed	20 mph (e) <u>(d)</u>
Vertical Clearance over lane and shoulder	<u>9 ft-9 in 10 ft nominal</u> (7 ft-9 in 8 ft nominal) if passage of emergency or maintenance vehicles is not required <u>(e)</u>

(a) For on-road bicycle facilities, the current Minnesota Department of Transportation bicycle design guidelines are recommended for design purposes:

~~(b) (a) Ten feet is desired for a combined bicycle/pedestrian shared use path. Five feet is required for a one-way bicycle shared use path.~~

~~(c) Whenever practicable, the shoulder/clear zone of an off-road bikepath should be carried across bridges and through underpasses. Minimum structure clear width must be 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach bike path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure. (b) For vehicular roadway bridges or underpasses accommodating an off-road bicycle path or shared use path, the total width (minimum surface width plus shoulder/clear zone) is eight feet minimum, with ten feet being desirable. However, whenever practicable, the shoulder/clear zone of an off-road bike or shared use~~

Exempt Rules

path should be carried across or under a vehicular bridge. When the clear zone of an off-road bike or shared use path cannot practicably be carried across or under the bridge, a lead-in guardrail must be provided, unless the surface width of the approach path is narrowed at a maximum 1:50 taper while providing the minimum travel lane and shoulder/clear zone widths through the structure.

For a separate off-road bicycle path or shared use path, the shoulder/clear zone must be carried across bridge or underpass structures. Minimum structure clear width must be 12 feet. When the surface width plus shoulder/clear zone width of the approaching off-road bike or shared use path is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required, unless the surface width of the approach path is narrowed at a maximum 1:50 taper while providing the minimum travel lane and shoulder/clear zone widths through the structure.

(d)(c) Clear zone is measured from the edge of the bicycle travel lane.

(e)(d) Use a 30 mph design speed for grades longer than 500 feet and greater than four percent, from the uphill point where the grade equals four percent to 500 feet beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

(e) When an off-road bicycle or shared use path continues through a box culvert structure, up to three inches of bituminous surfacing may be used through the structure. The minimum vertical clearance for box culvert structures is nine feet, nine inches, or seven feet, nine inches if passage of emergency or maintenance vehicles is not necessary.

REPEALER, Minnesota Rules, parts 8820.0200, subpart 35; and 8820.1900, are repealed.

Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Commissioner's Order 17-02: Middle Lake, Kandiyohi County (DOW# 34020800) – Slow-no wake only

Date: October 30, 2017

Statutory authority: *Minnesota Statutes*, section 97A.101 subd. 4

Supersedes

Supplements Commissioner's Order 14-03

BACKGROUND

The Commissioner can restrict watercraft use on Designated Wildlife Lakes per M.S. 97A.101, subdivision 4 after a public meeting has been held and news releases announcing the meeting and proposed restrictions have been published. The statutory requirements to implement such restrictions on Middle Lake have been met.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.101, subdivision 4, that watercraft use on Middle Lake (DOW #34020800) is slow-no wake only. Slow- no wake means operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five miles per hour.

Date: Oct. 18, 2017

Tom Landwehr, Commissioner

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance (MA) Program

This notice is published pursuant to Code of Federal Regulations, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

This notice corrects an error in the June 26, 2017, edition of the *State Register* describing payment rates for pressure and non-pressure support ventilators. The June 26 notice incorrectly described a change to the payment rate for non-pressure support ventilators. The notice said, "...the Commissioner shall pay for pressure and non-pressure support ventilators at the lower of the submitted charge or the Medicare fee schedule rate plus 47 percent."

Effective July 1, 2017, the Commissioner shall pay for pressure support ventilators at the lower of the submitted charge or the Medicare fee schedule rate plus 47 percent. There is no change to the payment methodology for non-pressure support ventilators.

This notice also corrects an error in the August 21, 2017, edition of the *State Register* describing payment rates for the administration of vaccines provided to children. The August 21 notice included an incorrect statement of fiscal impact. The notice said that the changes would result in a net spending increase of \$28,000 in the MA program for fiscal year 2018.

The new payment methodology for vaccine administration effective January 1, 2018, will result in a net savings of \$55,000 in the MA program for calendar year 2018.

For more information, or questions about submitting or reviewing comments, please contact Sean Barrett at 651-431-2298 or sean.barrett@state.mn.us. Comments may also be mailed to Sean Barrett at P.O. Box 64983, St Paul, MN 55164. Copies of this notice, and any comments received, may be reviewed by appointment at the Elmer L. Anderson Human Services building located at 540 Cedar St, St Paul, MN 55101.

Department of Labor & Industry (DLI)

Notice of Prevailing Wage Determinations for Highway/Heavy Construction Projects

The Commissioner has identified and certified prevailing wage rates for Highway & Heavy construction projects in all 10 state regions on October 30, 2017.

Wage rate determinations are available online at: <http://www.dli.mn.gov/LS/PrevWageHwyH.asp>

Questions regarding determinations may be directed to the following:

Division of Labor Standards & Apprenticeship
443 Lafayette Road N
St. Paul, MN 55155
Phone: 651-284-5091
Email: dli.prevwage@state.mn.us

Minnesota Comprehensive Health Association (MCHA) Official Meeting Notice

The Minnesota Comprehensive Health Association (MCHA), administrator for the Minnesota Premium Security Plan, will hold an Actuarial Committee meeting on **Tuesday, November 7th, 2017 at 1:30 P.M.**

For additional information on attendance at this meeting please call MCHA at 952-593-9609.

Minnesota Comprehensive Health Association (MCHA) Official Meeting Notice

The Minnesota Comprehensive Health Association (MCHA), administrator for the Minnesota Premium Security Plan, will hold a Finance Committee meeting on **Friday, November 17th, 2017 at 9:00 A.M.**

For additional information on attendance at this meeting please call MCHA at 952-593-9609.

Minnesota Plumbing Board REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Plumber Licensing, *Minnesota Rules*, Chapter 4716; Revisor's ID Number R-04365

Subject of Rules. The Minnesota Plumbing Board requests comments on its possible amendments to rules governing plumber licensing. The Board is considering the following rule amendments: (1) rules on the new classification of registered unlicensed individuals for water conditioning installation; (2) rules on continuing education for registered unlicensed individuals; (3) amendments to afford licensees and registrants broader access to remote and online continuing education course offerings; (4) amendments for consistency with changes that have been made in Minnesota Statutes chapter 326B and in the Plumbing Code; and (5) other amendments that the Board determines are needed.

Persons Affected. The amendments to the rules would likely affect individuals and contractors currently licensed, certified or registered in Minnesota under Chapter 4716, individuals and contractors who would like to be licensed, certified or registered under Chapter 4716, individuals who perform water conditioning installation but are not licensed, certified or registered, providers of continuing education courses, and the general public.

Statutory Authority. *Minnesota Statutes*, section 326B.435, subd. 2(a)(5), authorizes the Board to adopt rules to regulate licensure, certification, or registration of plumbing contractors, journey workers, unlicensed individuals, master plumbers, restricted master plumbers, restricted journey workers, restricted plumbing contractors, backflow prevention rebuilders and testers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, or engaged in or working at the business of medical gas system installation, maintenance, or repair, except for those individuals licensed under section 326.02, subdivisions 2 and 3. *Minnesota Statutes*, section 326B.555, which was enacted in 2017, creates a new category of registered unlicensed individuals to perform water conditioning installation and authorizes the Board to adopt rules for the registration of these unlicensed individuals. The Board's authority to adopt rules regulating continuing education was amended in 2017 to include continuing education for all registered unlicensed individuals. Specifically, *Minnesota Statutes*, section 326B.435, subd. 2(a)(6), as amended in 2017, authorizes the Board to adopt rules that regulate continuing education for individuals licensed as master plumbers, journey workers, restricted master plumbers, restricted journey workers, registered unlicensed individuals, water conditioning masters, and water conditioning journey workers, and for individuals certified under sections 326B.437 and 326B.438.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

Official Notices

The Board is also interested in learning whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide the Board with relevant information about their ordinances.

The Board is interested in determining whether the cost of complying with the rule in the first year after the rule takes effect will cost will exceed \$25,000 for any small city or small business under *Minnesota Statutes*, section 14.127, subd. 1. A small city is a statutory or home rule charter city that has less than ten full-time employees and a small business means a business that has less than 50 full-time employees.

Rules Drafts. The Department has not yet drafted the possible rule amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, MN 55155, 651.284.5006, and *email dli.rules@state.mn.us*.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 17, 2017

Richard Jacobs, Chair
Minnesota Plumbing Board

Minnesota Department of Revenue

Official Notice: Cigarette Sales Tax – Rate Change; Cigarette Excise Tax – Rate Change

Pursuant to *Minnesota Statutes*, section 297F.25, the Commissioner of Revenue has determined that the new cigarette sales tax rate will be 57.4 cents per pack of 20 cigarettes. For packs of cigarettes with other than 20 cigarettes, the tax must be adjusted proportionally. This rate is effective for sales on or after January 1, 2018.

2016 *Minnesota Statutes*, section 297F.05, subdivision 1a, which required the Commissioner of Revenue to annually adjust the cigarette excise tax rate, was repealed effective July 1, 2017. As a result, the cigarette excise tax rate will remain at 152 mills on each cigarette.

Publication Date: October 30, 2017

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on **Wednesday, November 15, 2017 at 9:30 a.m.** in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Teachers Retirement Association

TRA Audit Committee

Notice of Meeting

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on **Tuesday, November 14, 2017 at 9:30 a.m.** in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota State Colleges and Universities (Minnesota State)

Metropolitan State University

Notice of Request for Proposals (RFP) for the GROW-IT Center Project Design

Metropolitan State University is soliciting proposals from qualified architectural and engineering consulting firms to provide services for the design and construction to remodel and construct an addition to its greenhouse. The full Request for Proposals (RFP) can be downloaded at: <http://www.minnstate.edu/vendors/index.html>

A mandatory project informational meeting has been scheduled for 2:00 PM, Monday, November 13, 2017, Founders Hall Room 301 at Metropolitan State University, 700 East 7th Street, Saint Paul, MN.

Proposals must be delivered to:

Mark Bollinger
Director of Operations
Suite 321 Founders Hall
Metropolitan State University
700 East 7th Street
Saint Paul, MN 55106-5000

Proposals must be received NO later than **2:00 PM, Tuesday, November 28, 2017**; late responses will not be considered. Metropolitan State University reserves the right to reject any or all proposals, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposals does not obligate Metropolitan State University to award a contract.

State Contracts

Minnesota State Colleges and Universities (Minnesota State) St. Cloud Technical & Community College Formal Request for Proposal for Snow Removal Services

Response Due Date and Time: **Monday, November 6, 2017 at 12:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, October 23, 2017 on the website
<http://www.sctcc.edu/rfp>.

Title of Project: Snow Removal

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota House of Representatives and Minnesota Senate Requests for Bids for printing the Official Directory of the Minnesota Legislature

The Minnesota House of Representatives and the Minnesota Senate are seeking bids from qualified printers to provide printing services for the Official Directory of the Minnesota Legislature.

The size of the publication will be 4" x 6". The Official Directory of the Minnesota Legislature will contain approximately 424 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to 175 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155-1298 no later than **November 13, 2017 at 2 p.m. (CT)** Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by contacting: Barry LaGrave, 175 State Office Building, St. Paul, Minnesota 55155-1298, phone: 651-297-1338, email: barry.lagrave@house.mn.

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

Metropolitan Council

Request for Bids for Green Line LRT Extension (“Southwest LRT”) Civil Construction

Invitation for Bid #15P307A (Rebid)

The Metropolitan Council intends to re-solicit sealed bids for Civil Construction of the Southwest Light Rail Transit Line, an approximately 15-mile line that will serve the Twin Cities metropolitan region of Minnesota, operating from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie.

The anticipated issue date for the Invitation for Bids is October 30, 2017. Visit www.metrocouncil.org (see Doing Business) for additional information.

Questions may be directed to Auburn Dees, IFB Administrator, auburn.dees@metc.state.mn.us or 651-602-1346.

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

State Contracts

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.



Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- **On-line orders:** www.minnesotasbookstore.com
- **Minnesota Relay Service:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.

PREPAYMENT REQUIRED. *Prices and availability subject to change.* **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.