

## CHAPTER 2 - TRAFFIC LAWS

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## **2-1.00 INTRODUCTION**

### **2-1.01 Purpose**

The purpose of this chapter is to identify and describe Minnesota state laws and Minnesota Department of Transportation (MnDOT) regulations which regulate traffic on Minnesota highways and therefore, govern the actions and responsibilities of traffic engineers in the State. Under Minnesota law, the regulation of traffic may be accomplished by statute, MnDOT regulation, local order, ordinance, or resolution approved by MnDOT. While this chapter identifies traffic laws and regulations and presents their application as related to the safe and expeditious movement of traffic, it does not purport to be a legal document, nor shall it be interpreted as such. Readers are referred to the latest official publication of [Minnesota Statutes](#) for more complete legal information.

#### *2-1.01.01 Laws*

Both laws and regulations are principles governing actions or procedures. A law has been made obligatory and enforceable by a supreme authority or sanction. In Minnesota, “official” state laws are statutes passed by the State Legislature and approved by the Governor. They are commonly referred to as Minnesota Statutes or Minnesota Statutes Annotated.

#### *2-1.01.02 Regulations*

A regulation is a rule which may be enforced. Regulations can be established or approved only by the proper authority as provided in the law. In Minnesota, the Transportation Commissioner may establish or approve regulations affecting traffic movement on trunk highways. Failure to conform to a regulation is a violation of law.

#### *2-1.01.03 Common Traffic Laws and Regulations*

The most common laws and regulations pertaining to MnDOT are those regarding:

- Signs, signals and pavement markings,
- Speed restrictions,
- No passing restrictions,
- Parking prohibitions,
- Through highways,
- Load limits,
- Lane use restrictions and controls,
- Advertising restrictions,
- Restrictions of certain classes of traffic, including pedestrians, bicycles, and animals,
- Right-of-way,
- Rules of the road, and
- Construction.

### **2-1.02 Scope**

The primary purpose of the Traffic Engineering Manual (TEM) is to provide information needed by traffic engineering personnel to carry out their daily duties. Laws affecting these activities will be discussed in this chapter of the TEM. Chapters 160-173 of Minnesota Statutes include most of the state laws affecting roads and highways in Minnesota. [Chapter 169, Traffic Regulations](#), is important to traffic engineers and will be the primary focus of this chapter.

### 2-1.03 Chapter Organization

The following section includes a selected glossary of legal definitions. The remaining sections of the chapter will describe specific laws and regulations of concern to traffic engineers. In each of these sections the applicable law(s) and regulations will be identified, an interpretation of the law will be provided, and the law's legal implications will be discussed. Where appropriate, references to other sections of the TEM and other traffic engineering publications will be provided. The applicable law(s) are not quoted verbatim in the interest of brevity. Readers should consult the latest official publication of the [Minnesota Statutes](#) for current and complete legal information.

### 2-2.00 GLOSSARY

|                             |   |
|-----------------------------|---|
| Advertising device          | <a href="#">Minn. Stat. Sec. 173.02, Subd. 16</a>   |
| Bicycle                     | <a href="#">Minn. Stat. Sec. 169.011, Subd. 4</a>   |
| Bicycle Lane                | <a href="#">Minn. Stat. Sec. 169.011, Subd. 5</a>   |
| Bicycle Path                | <a href="#">Minn. Stat. Sec. 169.011, Subd. 6</a>   |
| Bicycle Route               | <a href="#">Minn. Stat. Sec. 169.011, Subd. 7</a>   |
| Bicycle Trail               | <a href="#">Minn. Stat. Sec. 169.011, Subd. 8</a>   |
| Bikeway                     | <a href="#">Minn. Stat. Sec. 169.011, Subd. 9</a>   |
| Business District           | <a href="#">Minn. Stat. Sec. 169.011, Subd. 13</a>  |
| Business Panel              | <a href="#">Minn. Stat. Sec. 160.292, Subd. 12</a>  |
| Commissioner                | <a href="#">Minn. Stat. Sec. 169.011, Subd. 17</a>  |
| Controlled Access Highway   | <a href="#">Minn. Stat. Sec. 169.011, Subd. 19</a> and<br><a href="#">Minn. Stat. Sec. 160.02, Subd. 12</a>               |
| County Highways             | <a href="#">Minn. Stat. Sec. 160.02, Subd. 17</a>   |
| County State-Aid Highways   | <a href="#">Minn. Stat. Sec. 160.02, Subd. 18</a>   |
| Crosswalk                   | <a href="#">Minn. Stat. Sec. 169.011, Subd. 20</a>  |
| Department                  | <a href="#">Minn. Stat. Sec. 169.011, Subd. 23</a>  |
| Directional Sign            | <a href="#">Minn. Stat. Sec. 173.081</a>  |
| Dynamic Shoulder Lane       | <a href="#">Minn. Stat. Sec. 160.02, Subd. 18a</a>  |
| Electric-Assisted Bicycle   | <a href="#">Minn. Stat. Sec. 169.011, Subd. 27</a>  |
| Expressway                  | <a href="#">Minn. Stat. Sec. 160.02, Subd. 18b</a>  |
|                             | *See Chapter 6 of this manual for further definitions of Expressway and Conventional Road Multilane for signing purposes. |
| Freeway                     | <a href="#">Minn. Stat. Sec. 160.02, Subd. 19</a>   |
| Intersection                | <a href="#">Minn. Stat. Sec. 169.011, Subd. 36</a>  |
| Laned Highway               | <a href="#">Minn. Stat. Sec. 169.011, Subd. 37</a>  |
| Local Authorities           | <a href="#">Minn. Stat. Sec. 169.011, Subd. 38</a>  |
| Logo                        | <a href="#">MN MUTCD</a> Section 1A, Page 19, #108  |
| Motorized Bicycle           | <a href="#">Minn. Stat. Sec. 169.011, Subd. 45</a>  |
| Municipal State-Aid Streets | <a href="#">Minn. Stat. Sec. 160.02, Subd. 21</a>   |

|                                  |   |
|----------------------------------|---|
| Official Traffic-Control Devices | <a href="#">Minn. Stat. Sec. 169.011, Subd. 49</a>  |
| Private Road or Driveway         | <a href="#">Minn. Stat. Sec. 169.011, Subd. 57</a>  |
| Railroad Sign or Signal          | <a href="#">Minn. Stat. Sec. 169.011, Subd. 59</a>  |
| Residence District               | <a href="#">Minn. Stat. Sec. 169.011, Subd. 63</a>  |
| Residential Roadway              | <a href="#">Minn. Stat. Sec. 169.011, Subd. 64</a>  |
| Road Authority                   | <a href="#">Minn. Stat. Sec. 160.02, Subd. 25</a>   |
| Roadway                          | <a href="#">Minn. Stat. Sec. 169.011, Subd. 68</a>  |
| Rural Residential District       | <a href="#">Minn. Stat. Sec. 169.011, Subd. 69a</a>   |
| School Bus                       | <a href="#">Minn. Stat. Sec. 169.011, Subd. 71</a>  |
| School Zone                      | <a href="#">Minn. Stat. Sec. 169.14, Subd. 5a(c)</a>  |
| Seasonal Load Restrictions       | <a href="#">Minn. Stat. Sec. 169.87</a> and <a href="#">Minn. Stat. Sec. 169.86 Subd 1a</a> |
| Sidewalk                         | <a href="#">Minn. Stat. Sec. 169.011, Subd. 75</a>  |
| Specific Service                 | <a href="#">Minn. Stat. Sec. 160.292, Subd. 21</a>  |
| Specific Service Sign            | <a href="#">Minn. Stat. Sec. 160.292, Subd. 22</a>  |
| Speed Limits                     | <a href="#">Minn. Stat. Sec. 169.14</a>   |
| Street or Highway                | <a href="#">Minn. Stat. Sec. 169.011, Subd. 81</a>  |
| Through Highway                  | <a href="#">Minn. Stat. Sec. 169.011, Subd. 82</a>  |
| Tourist-Oriented Business        | <a href="#">Minn. Stat. Sec. 160.292, Subd. 25</a>  |
| Town Roads                       | <a href="#">Minn. Stat. Sec. 160.02, Subd. 28</a>   |
| Traffic                          | <a href="#">Minn. Stat. Sec. 169.011, Subd. 84</a>  |
| Traffic Control Signal           | <a href="#">Minn. Stat. Sec. 169.011, Subd. 85</a>  |
| Trunk Highways                   | <a href="#">Minn. Stat. Sec. 160.02, Subd. 29</a>   |
| Urban District                   | <a href="#">Minn. Stat. Sec. 169.011, Subd. 90</a>  |
| Work Zone                        | <a href="#">Minn. Stat. Sec. 169.011, Subd. 95</a>  |

## 2-3.00 LEGAL RESPONSIBILITIES

### 2-3.01 General Powers of the Commissioner

The general powers of the Commissioner are described in [Minn. Stat. Sec. 161.20](#). Minn. Stat. Sec. 161.20 Subd 1 states that “the Commissioner shall carry out the provisions of [Article 14, Section 2, of the Constitution of the State of Minnesota](#). To do so, the Commissioner has the power to acquire property, construct and maintain highways, let contracts, make agreements with local communities, expend funds, and promulgate regulations. The powers of the Commissioner are more specifically defined in many other sections of Minnesota Statutes, primarily in Chapters 160-173.

The Department of Transportation is supervised and controlled by the Commissioner who is appointed by the governor. The Commissioner delegates specific authority and responsibilities to the various offices within MnDOT.

## 2-3.02 Legal Responsibilities of a Local Authority

### 2-3.02.01 Local Authority - [Minn. Stat. Sec. 169.04](#)

Minn. Stat. Sec. 169.04, Local Authority, has two important implications for MnDOT engineers.

First, with respect to streets and highways under their jurisdiction, and with the consent of the Commissioner when needed, local authorities have virtually complete authority (with notable exceptions such as Speed Zoning and Experimental Devices) over all streets and highways under their jurisdiction (county state-aid highways, county highways, municipal state-aid streets, and town roads). The local authority may enact any ordinance or regulation authorized by statutes affecting traffic operation on these facilities. For legal definitions of the types of local roads see [Minn. Stat. Sec. 160.02](#). For local authority requirements concerning traffic-control devices and requirements to conform to the Minnesota Manual on Uniform Traffic Devices ([MN MUTCD](#)) see [Minn. Stat. Sec. 169.06, Subd. 2 and 3](#).

Second, local authorities may undertake actions affecting state trunk highways only with the consent of MnDOT. The District Engineer is responsible for the review of all ordinances, regulations, or proposed actions affecting trunk highways.

## 2-3.03 MnDOT Approvals

### 2-3.03.01 Approval by the District

Proposed ordinances, regulations, or restrictions affecting state trunk highways shall be investigated and approved by MnDOT before implementation. A formal resolution requesting an investigation shall be submitted to a MnDOT District by the local authority along with a draft of the proposed ordinance, regulation, or restriction. Proposals which would inhibit capacity or movement of trunk highway traffic, such as improper parking procedures, turn restrictions, truck routing, or similar items, must be investigated by MnDOT. If the proposed change is covered by the [MN MUTCD](#), this Traffic Engineering Manual, or [MnDOT Technical Memoranda](#), the District may approve the action without a review by the State Traffic Engineer of MnDOT's Office of Traffic Engineering (OTE). A District Traffic Work Order may be used for this purpose.

### 2-3.03.02 Approval by the State Traffic Engineer, Office of Traffic, Safety and Technology

The need for statewide uniformity and the legally sensitive nature of some work orders requires a centralized review. In these cases, the District conducts an investigation of the proposed action and transmits the proposal to the State Traffic Engineer, OTE with recommendations for action. At all times the District should make an effort, through close contact with local officials, to ensure that the applicable legal requirements are fulfilled. The State Traffic Engineer, OTE shall review and sign any order affecting:

1. Speed restrictions (see [Section 2-5.00 SPEED RESTRICTIONS](#)).
2. Designations of through highways (see [Section 2-7.00 THROUGH HIGHWAYS AND CONTROLLED ACCESS HIGHWAYS](#)).
3. Experimental traffic control devices.

## 2-4.00 SIGNS, SIGNALS, AND MARKINGS

This section will discuss the legal rights and responsibilities of MnDOT regarding the placement and maintenance of signs, signals, and markings on streets and highways in Minnesota. Chapters 6, 7, 8, and 9 of this manual describe standards and procedures for their design and implementation. Areas that will be covered in this section include:

1. The [Minnesota Manual on Uniform Traffic Control Devices \(MN MUTCD\)](#),
2. Placement and maintenance of signs, signals, and markings,

3. Unauthorized sign, signals and markings,
4. Prohibited lights or signals, and
5. Vandalism.

### **2-4.01 Minnesota Manual on Uniform Traffic Control Devices**

[Minn. Stat. Sec. 169.06, Subd. 1](#), states that the Commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices for use on highways in Minnesota. This manual, the Minnesota Manual on Uniform Traffic Control Devices ([MN MUTCD](#)) has been adopted by the Commissioner. Unless a variation is approved by the FHWA, all traffic control devices shall conform to specifications in the MN MUTCD.

#### *2-4.01.01 Variations from the MN MUTCD*

The FHWA may authorize variations from the MN MUTCD only for purposes of investigation and research. [Minn. Stat. Sec. 169.06, Subd. 2](#) states, "The commissioner may authorize variations from the manual and specifications for the purpose of investigation and research into the use and development of traffic-control devices. When such authorized variation pertains to the regulation of traffic, notice of the intended regulatory purpose shall be published in a qualified newspaper of general circulation in the area where the research is being conducted." Procedures to request approval to use experimental traffic control devices can be found in Chapter 1 of the [MN MUTCD](#).

### **2-4.02 Placement and Maintenance Signs, Signals, Markings**

#### *2-4.02.01 Trunk Highways - [Minn. Stat. Sec. 169.06, Subd. 2](#)*

Under [Minn. Stat. Sec. 169.06, Subd. 2](#), it is the sole responsibility of MnDOT to place and maintain all necessary traffic control devices on trunk highways although permission to do so may be granted to other authorities by MnDOT. All such devices shall conform to the MN MUTCD and to MnDOT specifications unless a variance for experimental devices has been granted by the FHWA (see 2-4.01.01 above).

#### *2-4.02.02 Local Streets and Roads - [Minn. Stat. Sec. 169.06, Subd. 3](#)*

Under [Minn. Stat. Sec. 169.06, Subd. 3](#), local authorities have both the right and the responsibility to place and maintain traffic control devices on streets and highways under their jurisdiction. All traffic control devices shall conform to the MN MUTCD and to state specifications. Legal liability for the existence and condition of these facilities rests with the local authority, not with MnDOT.

### **2-4.03 Unauthorized Sign, Signal, or Marking**

#### *2-4.03.01 Unauthorized Devices - [Minn. Stat. Sec. 169.07](#)*

[Minn. Stat. Sec. 169.07](#) gives MnDOT and local road authorities the authority and responsibility to identify and remove any sign, signal, marking or other device on trunk highways or other roads which is a traffic hazard or deters the effectiveness of official traffic control devices. Such devices may be removed by MnDOT without notice to the owner. "Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice."

This authority does not extend to informational signs on private property which do not resemble and cannot be mistaken as official traffic control devices.

## **2-4.04 Prohibited Light or Signal**

### *2-4.04.01 Red Lights, Signs, and Signals - [Minn. Stat. Sec. 169.073](#)*

[Minn. Stat. Sec. 169.073](#) prohibits private individuals and companies from placing red lights, signals, or signs within view of highways or active railroads in such a way that affects the effectiveness or efficiency of official traffic control devices. MnDOT may order the removal or replacement of such lights by giving official written notice to the owner that the light is a traffic hazard. Notices shall be issued officially as provided in [Minn. Stat. Sec. 216.17](#). The aggrieved party has the right of appeal as required in [Minn. Stat. Sec. 216.25](#).

## **2-4.05 Railroad Stop Crossings**

### *2-4.05.01 Responsibility for Railroad Crossing Signs - [Minn. Stat. Sec. 219.20](#)*

With respect to the provisions of Minn. Stat. Sec. 219.20, MnDOT does not have the authority to install, replace, or remove signs on railroad property, including at railroad crossings. These signs and signals are the responsibility of the railroad company. MnDOT may declare a crossing “dangerous” and order the installation of stop signs at the crossing. Procedures for determining the need for traffic control devices at railroad crossings are discussed in Chapter 14 of this manual.

“After an investigation following a petition from a governmental agency or subdivision (responsible for a road that crosses a railroad track) or on the Commissioner’s own motion that stop signs or yield signs should be installed at a crossing, the Commissioner shall designate the crossing as a stop crossing or yield crossing and shall notify the railway company operating the railroad at the crossing of this designation. Within 30 days after notification, the railway company shall erect the uniform stop crossing signs or yield crossing signs in accordance with the Commissioner’s order.”

## **2-4.06 Vandalism**

### *2-4.07.01 Prosecution - [Minn. Stat. Sec. 169.08](#)*

Minn. Stat. Sec. 169.08 states that it is against the law to possess, alter, deface, or remove any official traffic-control device or any railroad sign or signal.

## **2-5.00 SPEED RESTRICTIONS**

### **2-5.01 Duty to Drive with Due Care**

[Minn. Stat. Sec. 169.14, Subd. 1](#) states that “No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions.” Every driver is responsible for maintaining awareness of driving hazards and for restricting speeds to what would be reasonable under prevailing conditions. Regardless of the posted speed limit, this basic concept governs the enforcement of speed laws.

### **2-5.02 Authority to Establish Speed Limits**

MnDOT has the authority and responsibility to establish speed limits on trunk highways and to authorize speed limits on any street or highway in the State ([Minn. Stat. Sec. 169.14, Subd. 4,5](#)). The purpose of this section is to discuss the laws and regulations permitting the restriction of speed on Minnesota streets and highways.

### **2-5.03 Speed Limits**

#### *2-5.03.01 Minn. Stat. Sec. 169.14 - Speed Limits.*

Minnesota law sets speed limits on public roads, identifies penalties, and authorizes MnDOT, and in some cases local governments, to change the limit. The statutory speed limits are: 30 m.p.h. for roads in an “urban



district,” which is any segment of a city street or town road that is built up with structures spaced less than 100 feet apart for a minimum distance of a quarter-mile; 65 or 70 m.p.h. for interstates (depending on whether it is, respectively, within or outside an urbanized area of at least 50,000); 65 m.p.h. on divided highways with controlled access; 10 m.p.h. for alleys, mobile home parks, and campgrounds; and a default of 55 m.p.h. on other roads. Some other limits apply for specific vehicles. A 40-m.p.h. minimum speed limit applies on interstates. [Minn. Stat. Sec. 169.14, Subd. 2](#) defines the various statutory speed limits available. For more information see “[Minnesota Speed Limits](#)”, Minnesota House Research document, updated September 2015.

#### *2-5.03.02 Establishment of Zones by Commissioner - [Minn. Stat. Sec. 169.14, Subd. 4](#)*

The determination and implementation of speed limits on trunk highways is solely the responsibility of MnDOT. Procedural elements of speed zone determination including the “engineering and traffic investigation” are discussed in Chapter 14 of this manual. Information on Data Collection may be found in Chapter 5 of this manual.

#### *2-5.03.03 Speed Zoning within Local Areas - [Minn. Stat. Sec. 169.14, Subd. 5](#)*

On all streets and highways other than trunk highways, the local authority must request investigation and authorization by MnDOT. Following MnDOT authorization, the local authority is responsible for placing and maintaining the speed limit signs on roadways under its jurisdiction.

#### *2-5.03.04 District Investigation*

The District Traffic Engineer is responsible for the surveys and data collection needed to determine speed limits on all streets and highways. The results of the District Traffic Engineer’s investigation and his/her recommendations shall be transmitted to OTE for official approval and authorization before any speed limit may be revised. The procedures on establishing appropriate speed limits are described in Chapter 14 of this manual.

#### *2-5.03.05 Sign Placement - see Chapter 6 of this manual.*

#### *2-5.03.06 School Speed Limits - [Minn. Stat. Sec. 169.14, Subd. 5a](#)*

Minn. Stat. Sec. 169.14, Subd. 5a, grants local authorities the power to establish school speed limits within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the Commissioner of Transportation. MnDOT consent is required only if a trunk highway would be affected by the proposed action. Except on trunk highways, the placement and maintenance of any such traffic control devices is the responsibility of the local authority.

School zone speed limits shall be in effect when children are present, going to or leaving school during normal school hours, and must be identified accordingly. It is important to consider other safety alternatives which can complement school speed zone implementation. Examples of these alternatives are sidewalk construction, parking restrictions, crossing guards, stop signs and signals, and pedestrian rerouting.

The required procedures for conducting an investigation to determine a school speed limit are outlined in MnDOT’s “A Guide to Establishing Speed Limits in School Zones” ([MN MUTCD Section 7E.1](#)). The local authority shall complete an engineering and traffic investigation as prescribed by MnDOT before a school speed zone can be established. This investigation shall include:

1. A school route plan,
2. a school zone hazard evaluation, and
3. a tabular listing of all hazards with recommended corrective actions.

### 2-5.03.07 Segments in Urban Districts - [Minn. Stat. Sec. 169.14, Subd. 5b](#)

Authority - Minn. Stat. Sec. 169.14, Subd. 5b, grants local authorities the power to reduce a previously established speed limit greater than 30 mph on a segment of a city street, municipal state-aid street, or town road in an area that meets the “urban district” as defined in [Minn. Stat. Sec. 169.011, Subd. 90](#). The speed established will be as specified in [Minn. Stat. Sec. 169.14, Subd 2](#).

Responsibility - A copy of the resolution must be sent to the Commissioner at least 10 days prior to sign installation.

### 2-5.03.08 Speed Limit in Work Zone When Workers Present - [Minn. Stat. Sec. 169.14, Subd. 5d](#).

This law requires that the speed limit on a road having an established speed limit of 50 miles per hour or greater is adjusted to 45 miles per hour in a work zone when (1) at least one lane or portion of a lane of traffic is closed in either direction, and (2) workers are present. This requirement does not apply to a segment of road in which:

- Positive barriers are placed between workers and the traveled portion of the highway.
- The work zone is in place for less than 24 hours.
- A different speed limit for the work zone is determined by the road authority following an engineering and traffic investigation and based on accepted engineering practice.
- A different speed limit for the work zone is established by the road authority per the paragraph below.

In addition to the requirement as stated above, the statute allows the Commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, to authorize the use of reduced maximum speed limits in work zones with workers present. The Commissioner or local road authority is not required to conduct an engineering and traffic investigation before authorizing this reduced speed limit. The work zone speed limit must not reduce the speed limit on the affected street or highway by more than:

- 20 mph on a street or highway having an established speed limit of 55 mph or greater.
- 15 mph on a street or highway having an established speed limit of 50 mph or less.

The law also requires that signs must be erected identifying the speed limit and indicating the beginning and end of the speed limit zone. The signs must also be removed or covered when they are not required.

Procedures on establishing speed limits in work zones are described in Chapter 8 of this manual.

### 2-5.03.09 Minimum Speed Limits - [Minn. Stat. Sec. 169.14, Subd. 8](#)

MnDOT has the authority to establish minimum, as well as maximum, speed limits on trunk highways. The determination of minimum speed limits is usually based on engineering judgment, taking into consideration the fact that safety decreases as speed differences increase. As a general rule, speed differences greater than 15-20 miles per hour are not desirable. The application of minimum speed limits is generally limited to higher speed freeway sections. An engineering and traffic investigation must precede the determination of minimum speed limits. Such regulations become effective when minimum speed signs are erected on the affected trunk highway.

### 2-5.03.10 Speed Limits on Local Roads Having an Established Bicycle Lane - [Minn. Stat. Sec. 160.263, Subd. 4](#)

The law allows a 25 mph or higher speed limit to be established on any roads governed by local authorities that contains a marked bike lane. An engineering and traffic investigation is not required to post speed limits on a road containing a bicycle lane. A bicycle lane needs to have the appropriate signs and markings in place prior to changing the speed limit utilizing this statute. The [MN MUTCD](#), Section 1A-13 covers important definitions relating to bicycles.

2-5.03.11 *Speed Limits in Manufactured Home Parks and Recreational Camping Areas - [Minn. Stat. Sec. 327.27, Subd. 2 and 2a.](#)*

## **2-6.00 NO PASSING ZONES AND LANE DESIGNATIONS**

### **2-6.01 No Passing Zones**

[Minn. Stat. Sec. 169.18, Subd. 5\(b\)](#) provides the legal basis for establishing “no passing zones.” It is MnDOT practice to indicate such no passing zones on rural (two- and three-lane roadways) by “No Passing Zone” pennant signs and distinctive pavement markings. Since drivers have become very dependent upon these devices, proper maintenance of these signs and markings is very important. The District Traffic Engineer is responsible for the application and proper maintenance of no passing zone signs and markings in accordance with the procedures set forth in Chapters 6 and Chapter 7 of this manual.

### **2-6.02 Lane Designations**

Under [Minn. Stat. Sec. 168.18, Subd. 7\(c\)](#), MnDOT may erect signs on trunk highways (or authorize the erection of such signs on local highways) directing traffic to use specific lanes. Special lanes may be designated when certain vehicles (for example, trucks) cannot maintain the speed required to keep the speed differential within 15-20 mph and there is adequate space available. In addition, special bus and car pool lanes, known as restricted lanes, are designated on certain freeway entrance ramps within the eight county metro region.

## **2-7.00 THROUGH HIGHWAYS AND CONTROLLED ACCESS HIGHWAYS**

### **2-7.01 Through Highways**

The general rule in determining through highways ([Minn. Stat. Sec. 169.30](#)) is that intersection controls should be designed to favor the predominant traffic flow. Normally, it is desirable to erect STOP signs at all public entrances to trunk highways except where another means of control is provided. However, where trunk highway traffic is minor in comparison to traffic on the intersecting road, the intersecting road could have priority. MnDOT places and maintains the necessary STOP signs on all public streets and roads intersecting a trunk highway. STOP signs are usually not placed at private or commercial entrances, except as determined by the District Traffic Engineer. See Chapter 6 of this manual for practice on installation and maintenance of advance warning signs on local road approaches to trunk highway intersections.

Local authorities may designate through highways and stop or yield intersections involving trunk highways only with MnDOT’s prior consent.

### **2-7.02 Controlled Access Highways**

[Minn. Stat. Sec. 169.305](#) grants authority to MnDOT and local authorities to prohibit “incompatible” traffic on controlled access highways under their respective jurisdictions. The restriction of non-motorized traffic, including pedestrians and bicyclists, and of motorized bicycles is specifically included within this authority. Such prohibitions and restrictions are effective only when appropriate signs are erected on the affected highway. It is important to note that MnDOT may restrict traffic classes but is not required to do so by law.

## **2-8.00 PARKING REGULATIONS**

### **2-8.01 General Regulations**

[Minn. Stat. Sec. 169.34 Prohibitions; Stopping, Parking](#) contains general regulations regarding stopping or parking on public streets and highways.

#### *2-8.01.01 Restrictions on Trunk Highways*

Beyond the parking regulations established by law in Minn. Stat. Sec. 169.34, MnDOT may restrict or prohibit parking on trunk highways whenever it is dangerous to highway users or would interfere with the free

movement of traffic. Any parking restrictions on trunk highways within municipalities should be established with the concurrence of the local authority.

#### *2-8.01.02 Local Authority*

Local authorities may also restrict parking by ordinance or resolution. Any proposed local restrictions on trunk highways shall normally be approved by the District Engineer.

### **2-8.02 Limited Time Parking**

Limited time parking is a local concern which is controlled by local authorities. It is MnDOT's practice to give considerable latitude to local communities in setting parking time limits.

### **2-8.03 Parking Meter Zones**

Local authorities may establish parking meter zones as they deem necessary within local communities, and should use standard pavement markings to designate parking spaces. Standards for parking space dimensions and markings are described in Chapter 7 of this manual and Chapter 3 of the [MN MUTCD](#).

### **2-8.04 Disabled Parking**

#### *2-8.04.01 Applicable Laws*

[Minn. Stat. Sec. 169.345, Parking Privilege for Physically Disabled](#), and [Minn. Stat. Sec. 169.346, Disability Parking Areas: Criteria, Enforcement](#) establish criteria and requirements to provide the disabled with adequate parking facilities.

#### *2-8.04.02 Signing and Marking for Disabled Parking Spaces*

The [MN MUTCD](#) and [Minnesota Standard Signs Manual](#) provide sign designs and details. Full size drawings for the "Disabled Parking" sign (R7-8m) and for the disabled pavement marking symbol are available from the Office of Traffic Engineering (OTE).

#### *2-8.04.03 Source of Information*

The Minnesota State Council on Disability (<http://www.disability.state.mn.us/>) is a good source of information on legal issues concerning disabled parking.

### **2-8.05 Angle or Parallel Parking**

#### *2-8.05.01 Applicable Law [Minn. Stat. Sec. 169.35, Subd. 1](#) is as follows:*

"Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, provided, that such exception shall only apply to a State trunk highway after approval by the Commissioner."

#### *2-8.05.02 MnDOT Guidance*

All requests for parking along trunk highways should be reviewed on a case-by-case basis. Consideration should be given to traffic volumes, speeds, roadway width, and bicycle and pedestrian needs in determining the type of parking allowed (parallel, front-in angle, back-in angle, other).

Where traffic is low volume (< 10,000 ADT multilane; < 5,000 ADT one lane) and low speed ( $\leq$  20mph) there may not be much difference in safety between parallel and angled parking. However, with slightly higher volume (< 15,000 ADT) and slightly higher speed ( $\leq$  30mph) parallel parking may be the safer choice.

Low volume roads are preferred for both parallel and angled parking due to reduced conflicts and reduced impacts to traffic flow. Low volume roads provide larger gaps allowing drivers more time to park, exit their vehicle, and later maneuver back into traffic safely.

On street parking may not be compatible where there is higher priority for serving traffic flow needs.

Back-in angle parking gives exiting vehicles superior sight lines allowing increased visibility to vehicles, pedestrians, bicyclists, and other modes of transportation. The maneuvers for back-in angle parking are similar to parallel parking.

Potential issues with back-in angle parking include:

- Head-in violators,
- Driver unfamiliarity, and
- Exhaust from idling vehicles.

MnDOT discourages front-in angle parking in most cases due to increased crash rates compared to other types of parking.

### **2-8.06 Parking on One-Way Streets**

Under [Minn. Stat. Sec. 169.35, Subd. 3](#), local authorities may permit parking near the left curb of local one-way streets by ordinances. Prior consent of MnDOT is required to permit such parking on trunk highways.

## **2-9.00 LOAD RESTRICTIONS**

### **2-9.01 General Load Restrictions**

Load restriction laws in Minnesota restrict: (1) width, (2) height, (3) length, and (4) mass of loads which may be carried on streets and highways in Minnesota. These laws are included in [Minn. Stat. Sec. 169.80-169.88](#). They are very specific and include many exceptions and conditions, the user should refer directly to the Minnesota Statutes.

### **2-9.02 Seasonal Restrictions**

Under [Minn. Stat. Sec. 169.87, Subd. 1](#), MnDOT, with respect to trunk highways, and local authorities, with respect to highways under their jurisdiction, may prohibit or restrict the operation or mass of vehicles on any highway which would be seriously damaged or destroyed by such use. The basis for this determination should include deterioration, rain, snow, or other climactic conditions. Signs stating the prohibition or restrictions must be erected on the affected highways to promulgate these regulations.

### **2-9.03 Truck Routes**

Based on [Minn. Stat. Sec. 169.87, Subd. 1e](#), when a local authority petitions MnDOT to establish a truck route for travel into, through, or out of the territory under its jurisdiction, MnDOT shall investigate the matter. If the request is approved, MnDOT may designate certain highways under MnDOT's jurisdiction as "truck routes" and may restrict truck travel to those routes when signs are erected. However, except under conditions stated in Minn. Stat. Sec. 169.87, MnDOT is not authorized to prohibit truck travel on trunk highways. The designation of a truck route is based on the design of the roadway, the type and mass of trucks using the facility, the load carried, and weather conditions.

### **2-9.04 Load Permits**

Under the provisions of [Minn. Stat. Sec. 169.86, Special Permits](#), MnDOT may issue several types of permits related to load restrictions. For example, "single trip" permits can be issued for specific trips; "job" permits can be issued for a specific activity for a specific length of time; an "annual" permit can be issued for a period not to exceed 365 days; and a "special interest" permit can be issued for a certain project for specific length of time.

These special permits are issued, where the applicant shows good cause, for the vehicle to travel over a certain route where the vehicle and/or load exceed the normal legal operating size or mass limits. MnDOT may only issue permits for use on trunk highways. Load permits are issued by the [District Offices](#), and through the [Office of Freight and Commercial Vehicle Operations](#), Transportation Permit Section.

## 2-10.00 ADVERTISING DEVICES

### 2-10.01 Minnesota Outdoor Advertising Control Act

#### 2-10.01.01 Advertising Restrictions

[Minn. Stat. Sec. 173.01 "Declaration of Policy"](#) forms the basis for the control of advertising along interstate and primary highways in Minnesota. [Chapter 173](#) of Minnesota statutes provides for: (1) the designation, acquisition, and control of "scenic areas" along interstate and primary highways, and (2) the general control of outdoor advertising along interstate and primary highways. Special advertising controls are provided in [Articles 173.01-173.17](#) and may be exercised in scenic areas. In addition, the law specifically prohibits advertising devices:

1. In or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas.
2. Within 100 feet of a church or school.
3. Which purports to be or resembles an official traffic-control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic-control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet.
4. Which prominently displays the word "stop" or "danger".
5. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
6. On any right-of-way of the interstate system of highways, except as otherwise provided by law or allowed by the Commissioner.
7. On private land without the consent of the owner or occupant thereof.
8. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on public utility poles.
9. Which has distracting flashing or moving lights so designed or lighted as to be a traffic hazard.  
See [MnDOT Technical Memorandum](#) No. 13-07-ENV-01 dated May 8, 2013. The guideline is intended for evaluating and providing a uniform policy regarding all off-premise outdoor advertising devices that utilize lighting for illumination and displaying messages or pictorial images.
10. To which access can be obtained only from an interstate main-traveled way but excluding frontage roads adjacent thereto.
11. Which are structurally unsafe, are in disrepair, or are abandoned.

#### 2-10.01.02 Design of Advertising Devices

Advertising devices near highways must, in general, be structurally safe and of a design which does not resemble a traffic control device or create a traffic hazard. Specific rules and regulations affecting Outdoor

Advertising are provided in Minnesota Rules, [8810.0200](#) - [8810.1400](#) and in [Minn. Stat. Sec. Chapter 173. Signs and billboards Along Highways](#).

#### 2-10.01.03 Advertising Permits

All advertising devices adjacent to interstate or primary highways outside business districts require a permit from MnDOT. Advertising permits are issued by the District in each appropriate [District office](#). Questions regarding advertising devices should be directed to the District Sign Technician or District Permits Office. Local zoning authorities issue permits for advertising devices in business districts.

### 2-10.02 Resort and Camping Information Signs (County Slat Sign Program)

The intent of the Resort and Camping Signing Program (County Slat Sign Program) is to govern the installation of resort information “slat” type signs on county state-aid highways, county highways, and town roads within one-half mile of areas that have advertising restrictions. The intent of these signs is to give motorists confirmatory guidance or reassurance that they are on the right road once they have turned off a trunk highway. Standard guide signs must guide them to this point.

[Minn. Stat. Sec. 160.283 Subd 3](#) defines the term “resort” as follows. *For the purposes of sections [160.283](#) to [160.285](#) the term “resort” shall be as defined in section [157.15](#) or a golf course, restaurant, or motel as defined in section [157.15](#) or recreational camping area as defined in [section 327.14, subdivision 8](#).*

A complete description of the Resort and Camping Signing Program as well as required procedures and specifications for implementing same can be found in the [MN MUTCD](#), Chapter 2M.11 and Chapter 6 of this manual.

### 2-10.03 Specific Service Signs

The intent of the Specific Services Sign Program ([Minn. Stat. Sec. 160.292](#)) is to govern the installation, design, and criteria for specific service signs ([Minn. Stat. Sec. 160.292, Subd. 21](#)). The intent of these signs is to direct the traveling public on non-freeway trunk highways in rural areas to rural agricultural or tourist-oriented businesses, places of worship, motels, restaurants, resorts, recreational camping areas, or gasoline service stations or other retail motor fuel businesses where outdoor advertising restrictions have prevented owners of these facilities from directing the public to their establishments.

A complete description, required procedures, and specifications for implementing the specific services sign program are given in [MN MUTCD](#), Chapter 2K and Chapter 6 of this manual.

### 2-10.04 LOGO Sign Franchise Program

The LOGO Sign Franchise Program ([Minn. Stat. Sec. 160.80](#)) allows MnDOT to establish a sign franchise program. The intended purpose is to provide, on the right-of-way of interstate and certain specified controlled-access trunk highways, specific information on gas, food, camping, lodging, attractions, and 24-hour pharmacies for the benefit of the motoring public.

Pertinent information on this Program is given in [MN MUTCD](#), Chapter 2J and Chapter 6 of this manual.

### 2-10.05 Directional Signs (Advertising Devices) - Minn. Stat. Sec. 173.081

[Minn. Stat. Sec. 173.081](#) provides for the establishment of advertising “directional” signing standards for qualifying public or private attractions, which are nationally or regionally known and of outstanding interest to the traveling public. See [Minn. Stat. Sec. 173.02, Subd 6\(a\)](#) for definition of “Official signs and notices”, and [Minn. Stat. Sec. 173.02, Subd 6\(d\)](#) for definition of “Directional signs”.

“Directional” signing in this advertising context should not be confused with guide signing of a traffic control nature as developed in the Minnesota Manual on Uniform Traffic Control Devices.

“Selection Methods and Criteria for Outdoor Advertising Directional Signs” was developed by the Office of Environmental Stewardship (in cooperation with FHWA) and is available therefrom. Signs are erected off MnDOT right-of-way.

Applicants for advertising directional signing should contact the District Permits Office: [www.dot.state.mn.us/roadsides/billboards](http://www.dot.state.mn.us/roadsides/billboards).

## **2-11.00 PERMITS**

### **2-11.01 General**

Beyond the load restriction permits described in Section 2-9.04, traffic engineers in Minnesota should be aware that under special circumstances, permits may be issued for studded tires, parades, and entrances.

### **2-11.02 Studded Tire Permits**

Under most circumstances, the use of studded tires is not permitted on streets or highways in Minnesota ([Minn. Stat. Sec. 169.72, Subd. 1.](#)) Special permits may be issued to certain traction engines, tractors, and other farm machinery. These permits are issued by the District Offices and through the Office of Contract Administration and Maintenance, Emergency Operations Unit, Transportation Permits.

### **2-11.03 Parade Permits**

Local authorities, with the consent of MnDOT, may regulate or prohibit all assemblages on the streets and highways under their jurisdiction ([Minn. Stat. Sec. 169.04.](#)) MnDOT procedures are described in the criteria listed in Chapter 14 of this manual.

### **2-11.04 Entrance Permits**

“The owner or occupant of property abutting upon a public highway, having a right of direct private access thereto, may provide such other or additional means of ingress from and egress to the highway as will facilitate the efficient use of the property for a particular lawful purpose, subject to reasonable regulation by and permit from the road authority as is necessary to prevent interference with the construction, maintenance and safe use of the highway and its appurtenances and the public use thereof.” See [Minn. Stat. Sec. 160.18, Subd. 3.](#)

#### *2-11.04.01 Driveway Permits and Design*

No driveway shall be constructed to or from a trunk highway until permits have been obtained from the District Traffic Engineer and the local governing authority. Rules and regulations for the design of driveways along the trunk highway system are provided in [Minnesota Rules 8810.4100-8810.5600](#).

### **2-11.05 Special Event Permits and Agreements**

MnDOT occasionally receives requests from organizations wishing to sponsor special events that require special traffic control measures and/or special use of the highway right-of-way. These special events include activities such as snowmobile races, golf tournaments, farm festivals, and music festivals.

The organization may be granted a special events permit or a formal agreement may be executed wherein certain conditions must be met. Items to be considered include:

1. Insofar as applicable to the event, all Minnesota laws pertaining to the use of highway right-of-way shall be obeyed.
2. Additional traffic control devices and/or law enforcement officers shall be provided by the organization (MnDOT may furnish services and bill the sponsor) as deemed necessary by MnDOT to adequately control traffic generated by the event, or as related to the event itself.
3. MnDOT may require a special event traffic control plan for events that substantially impact the flow of traffic in and around the special event. This plan is to be provided by the requester.



4. The organization shall agree to assume entire responsibility and liability for all damages or injury to all persons, whether employees or otherwise, and to all property, arising out of, resulting from, or in any manner connected with the operation of the special event. The organization shall agree to indemnify MnDOT, its agents and employees from all such claims including, without limiting the generality of the foregoing claims for which MnDOT may be claimed to be liable and legal fees and disbursements paid or incurred to enforce the provisions of this paragraph, and the sponsor shall further agree to obtain, maintain, and pay for such general liability coverage as will ensure the provisions of this paragraph.
5. The sponsor shall be responsible for any damage done to the highway property as a result of the special event, damages payable upon receipt of invoice.

Since many special events will be unique, **MnDOT's Tort Claims Engineer** should be consulted as deemed necessary.

## **2-12.00 OTHER LEGAL CONSIDERATIONS**

### **2-12.01 Particular Use of Right-of-Way - Minn. Stat. Sec. 160.27**

#### *2-12.01.01 Permitted Devices*

As stated in [Minn. Stat. Sec. 160.27](#), Subd. 1, 2, and 4, the only items other than official traffic control devices which may be placed within street or highway right-of-way include: (1) public notices, (2) benches and bus shelters, and (3) customs inspection facilities. These items shall be authorized by written permit by the appropriate road authority. In the case of trunk highways, it is the responsibility of the Transportation District Engineer to issue such permits. Before issuing such permits an investigation should be conducted to insure compliance with the appropriate safety criteria.

#### *2-12.01.02 Prohibited Devices*

[Minn. Stat. Sec. 160.2715](#), provides a detailed list of actions which are not permitted within highway rights-of-way. Most important to traffic engineers, this law states that it is unlawful to "improperly place or fail to place warning signs and detour signs as provided by law."

#### *2-12.01.03 Violations*

Violations of Minn. Stat. Sec. 160.2715 are misdemeanors.

### **2-12.02 Plat Review - Minn. Stat. Sec. 505.03**

Under the provisions of [Minn. Stat. Sec. 505.03, Subd. 2](#), any proposed plat which includes lands adjacent to an existing or proposed trunk highway shall be submitted to MnDOT for review. Districts/Divisions may be asked by MnDOT to review these plats. Procedures for reviewing proposed plats are outlined in Chapter 14 of this manual. MnDOT has 30 days to complete the plat review and to submit written comments and recommendations to the local authority. The law does not require the local authority to receive these comments; it only requires that final action be delayed until comments are received or the 30-day waiting period has passed.

### **2-12.03 Technical Assistance - Minn. Stat. Sec. 161.39**

Under the provisions of [Minn. Stat. Sec. 161.39](#), Subd. 1, 2, 3, 4, 5a and 6, MnDOT, when staff and work load conditions permit, may provide technical assistance to both local communities and other state agencies upon request. This assistance may include: technical and engineering advice, assistance, and supervision; surveys; plans; studies; investigations; and pavement markings. The local authority or State agency shall pay MnDOT for any technical services provided to them by MnDOT representatives.

## 2-12.04 Bridge Width and Clearance Requirements

### 2-12.04.01 Bridge and Culverts - [Minn. Stat. Sec. 165.04](#)

Minn. Stat. Sec. 165.04 requires that all bridges and culverts on any trunk highway, county state-aid highway, or municipal state-aid street hereafter established, constructed, or improved shall be at least 24 feet wide between curbs, and approaches thereto shall be at least 28 feet wide, shoulder to shoulder.

On other roads, all bridges, culverts, and approaches hereafter established, constructed, or improved shall be at least 20 feet wide.

There are notable exceptions to these requirements and the law should be reviewed carefully relative to bridge width requirements.

### 2-12.04.02 Railroad Bridge - [Minn. Stat. Sec. 165.05](#)

Minn. Stat. Sec. 165.05 requires that any railroad bridge hereafter constructed over a public highway, including city streets, shall be constructed so as to leave a clear opening for the highway at least 4 feet wider than the surfaced portion of the highway, but in no event less than 28 feet wide, except as may be modified and approved by MnDOT.

Minn. Stat. Sec. 165.05 further requires that at least 16 feet vertical clearance shall be provided from the surface of the highway to the bottom of the bridge.

On non-trunk highways, the vertical clearance shall not be less than 14 feet. Lesser clearances may be approved by MnDOT.

## 2-13.00 REFERENCES

1. A Guide to Establishing Speed Limits in School Zones, Minnesota Department of Transportation 2012 (contained in the [Minnesota Manual on Uniform Traffic Control Devices](#), Department of Transportation).
2. Minnesota Manual on Uniform Traffic Control Devices, Department of Transportation 2011 and all subsequent revisions.
3. Minnesota Motor Vehicle and Traffic Laws including Motor Carrier Laws, Motor Vehicle Registration Laws, No Fault Car Insurance Laws, and Miscellaneous Acts, Minnesota Department of Public Safety, Laws, current edition.
4. Minnesota Statutes, current edition.
5. Minnesota Rules current edition, Revisor of Statutes, State of Minnesota.