

## MEMORANDUM OF UNDERSTANDING

MINNESOTA DEPARTMENT OF TRANSPORTATION

MINNESOTA DEPARTMENT OF NATURAL  
RESOURCES

IMPLEMENTATION MANUAL  
JULY, 1999

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**IMPLEMENTATION PROCEDURES  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION  
AND  
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

**Background**

In December 1991, the Commissioners of the Minnesota Department of Transportation and Natural Resources signed a Memorandum of Understanding (MOU) updating the original MOU between the two agencies in 1971. Since May 1996, representatives from Mn/DOT districts and Central Office, and Mn/DNR Environmental Review Unit have met to revisit the MOU and its current usage to look for streamlining opportunities while assuring that it provides a value added process. A major goal of the MOU, is to provide consistency across the state in dealing with issues affecting the two agencies. A major purpose of the original MOU was for each department to be provided thorough knowledge of the other's programs and projects in order to evaluate possible impacts and/or opportunities for working together. The revised MOU outlines key methods for achieving this by:

- exchange of program information
- use of a recently developed Mn/DOT - Mn/DNR Questionnaire early in project development
- exchange of project documents
- annual meetings of Mn/DOT District and Mn/DNR Region staff

This revision reaffirms this commitment and emphasizes early coordination, while streamlining the project document review process by using agreed upon guidelines that forward documents for appropriate types of projects for the other agency's review, rather than the blanket approach specified in the 1991 MOU.

**Implementation of Procedures Contained in the MOU**

The Memorandum of Understanding between the Minnesota Department of Transportation and the Minnesota Department of Natural Resources specifies responsibilities and actions in a variety of areas of mutual interest. However, detailed information about procedures, and identification of staff responsibilities within each agency are not specified in the MOU itself. On the succeeding pages is a copy of the MOU with required agency actions highlighted. For each action in the MOU, more detailed information is furnished about the action and staff responsibilities.

**MEMORANDUM OF UNDERSTANDING  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

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**MEMORANDUM OF UNDERSTANDING  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
THE PROTECTION AND ENHANCEMENT OF NATURAL AND RECREATIONAL  
RESOURCES,  
THE PROVISION OF AN EFFICIENT AND EFFECTIVE TRANSPORTATION  
SYSTEM  
FOR THE STATE OF MINNESOTA**

**INTRODUCTION AND PURPOSE**

This Memorandum of Understanding (MOU) establishes procedures and processes for giving due consideration to fish, wildlife, vegetation, and other natural and recreational resources under jurisdiction or supervision of the Department of Natural Resources (DNR) in the development and construction of transportation projects by the Minnesota Department of Transportation (Mn/DOT); and for insuring that the transportation needs of the people of the state of Minnesota, represented by the programs and projects of Mn/DOT, are given due consideration in the policies, planning, programs and projects of the DNR.

The Minnesota Departments of Transportation and Natural Resources play vital roles in the preservation and enhancement of the quality of life of Minnesota residents. The DNR has primary responsibility for conserving and promoting the wise use and management of the state's natural resources -- its lands, minerals, waters, forests, wildlife, and the operation of the state recreational system. It has important regulatory functions. Mn/DOT is charged with the provision and management of an efficient and safe transportation system to insure that goods and resources can be transported to and from markets efficiently and at low cost. Mn/DOT has a role in enabling Minnesota residents and others to travel to home, work, and to the public and private recreational facilities in Minnesota. Although their primary responsibilities are different, Mn/DOT and DNR have many areas of mutual interest, and the citizens of Minnesota will be best served by full cooperation of the agencies, with each assisting the other to obtain its objectives.

It is therefore appropriate for these two departments to consider the potential effects on the state's natural and recreational resources resulting from transportation construction. Economic and social aspects of transportation facilities and services provided by Mn/DOT will be given due consideration in the policies, programs and projects of the DNR. This can be accomplished by identifying and pursuing opportunities for joint development and use of Mn/DOT and/or DNR lands during the development of their respective programs and projects.

While this MOU does not explicitly cover all of the details of the Highways in Recreation Areas (HIRA) Plan, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the State Transportation Improvement Program (STIP), Directions - The DNR's Strategic plan, and other system-wide policy documents, they definitely fall within the spirit and intent of this MOU and are incorporated by reference and should be utilized where appropriate for interagency planning and development coordination purposes.

Both departments recognize that the objectives of this MOU can best be realized through close coordination and cooperation between their respective staffs during the planning and development stages of projects, and through a cooperative problem solving approach in the environmental review and permitting programs.

**COORDINATION COMMITMENTS**

Each department commits to a comprehensive coordination process. This process will begin early in project conceptualization and will continue throughout project development. Post-construction coordination may also be appropriate. This MOU establishes a systematic procedure for coordination whereby transportation construction projects may be reviewed by the DNR early in their planning through use of the Mn/DOT - Mn/DNR Questionnaire (1). Through its Office of Environmental Services and District staff, Mn/DOT has responsibility to determine project effects upon natural and recreational resources. The DNR will in turn provide information as it deems appropriate to Mn/DOT, including the scope or details of the anticipated effects of a proposed transportation project upon natural and recreational resources in the project area. The DNR will provide information to Mn/DOT regarding the relationship and possible effects of its planned programs and projects on Mn/DOT administration, planning, and facilities. It will be the responsibility of each Mn/DOT project manager to insure that the appropriate level of coordination with DNR has been completed. It will be the responsibility of each Mn/DNR project manager to insure that the appropriate level of coordination with Mn/DOT has been completed.

Information regarding impacts of proposed Mn/DOT transportation projects upon natural and recreational resources will be provided to the DNR Environmental Review Unit in the form of Mn/DOT project development documents by the Mn/DOT Office of Technical Support in accordance with state and federal environmental review processes. Information regarding the possible impacts of proposed rules, policies, programs, operational procedures or projects of the DNR upon Mn/DOT facilities, planned projects, or administration will be provided by the DNR Environmental Review Unit or other DNR organizational units to Mn/DOT District Offices, Office of Environmental Services, Office of Advanced Transportation Systems, and Office of Right of Way as appropriate (2).

Information is included in Mn/DOT's STIP (State Transportation Improvement Program) Guidance available from Mn/DOT's Office of Investment Management and on the web at [www.oim.dot.state.mn.us](http://www.oim.dot.state.mn.us), to assist in the identification of candidate project enhancements. In appropriate environmental documents, Mn/DOT will discuss the potential for recreational or environmental enhancements on Trunk Highway projects. In their review of Mn/DOT planning and project development documents, the Department of Natural Resources will identify opportunities for coordinated or joint projects to meet recreational or environmental needs (3).

**Annual Meetings of Mn/DOT District and DNR Region Staff**

Mn/DOT representatives from Environmental Services, Project Liaison, and Districts/Metro Division: Preliminary Design, Final Design, Hydraulics Unit, Resident Office, Planning Unit and possibly Maintenance Operations will meet with Mn/DNR representatives from each DNR region (the Regional Environmental Assessment Ecologist and those staff appointed by the Regional Environmental Assessment Teams),

and the DNR Environmental Review Unit, at the respective Mn/DOT District Offices once a year. The DNR will insure that staff from hydrology, biology, forestry, and recreation disciplines are represented at the meetings.

The meetings will be scheduled for a half day to allow for travel and minimize costs. Meetings will usually be scheduled during the months of December and January.

Each Mn/DOT District Engineer will assign a designee to work with a (Regional) Mn/DNR Environmental Assessment Ecologist to set up and determine the agenda and coordinate the meetings. Mn/DOT's Planning staff from the Office of Environmental Services - ((651)779-5081) will be available to assist District/Division appointed designees in initiating these meetings.

The meetings will emphasize:

1. Identification of upcoming Mn/DOT and Mn/DNR projects.
2. How natural and recreation resource considerations can be integrated into the respective Mn/DOT District's project development process.
3. Exploration of how DNR's programs, policies, and permits may affect Mn/DOT plans.

**CAPITAL IMPROVEMENT AND PLANNING INFORMATION EXCHANGE**

Coordinators will be designated by each agency to receive the information described below.

1. Copies of the current Mn/DOT **State Transportation Improvement Program (STIP)** will be transmitted to the designated coordinator in the DNR Environmental Review Unit by Mn/DOT's Director of the Office of Investment Management when published (4).
2. The Department of Natural Resources will review the STIP, and when practicable, provide information to the Mn/DOT Office of Technical Support - Project Development Section, identifying those projects with potential impacts on natural and recreational resources. The Department of Natural Resources will also identify opportunities for joint development or enhancement of recreational areas and provide detailed information on the scope of the development or enhancement project and what Mn/DOT's contribution or work effort might entail (5).
3. Copies of all plans, policies or programs being considered by the DNR which may affect state transportation facilities or operations, will be transmitted to the Mn/DOT Office of Environmental Services by the DNR Environmental Review Unit or the appropriate DNR division. A list of appropriate documents is appended to this MOU (6).
4. The Department of Transportation will review the plans and other documents provided by the DNR Environmental Review Unit or the appropriate DNR Division, identifying potential impacts on the administration, plans, projects or facilities of Mn/DOT. Mn/DOT may identify modifications which will avoid or reduce impacts (7).

The items indicated in this section will be possible agenda items for the annual joint meetings at the District/Region level. Depending on the timing of the joint meeting, immediate coordination may be needed.

**PROJECT DEVELOPMENT**

1. Mn/DOT project managers will send the Mn/DOT- Mn/DNR Questionnaire Regarding Natural and Recreational Resources to Mn/DNR Environmental Review Unit on all Mn/DOT EIS, EA, EAW and Categorical Exclusion projects as outlined in the Guidelines for use of the Questionnaire. (See attachment)
  
2. Mn/DOT Project Path Reports, Project Memos, and Study Reports on Mn/DOT trunk highway projects will be distributed by the Mn/DOT Office of Technical Support to the DNR Environmental Review Unit for review and comment. Documents on projects exempt from the Mn/DOT - Mn/DNR Questionnaire process will not be sent (8).
  
3. All Environmental Assessments, Environmental Assessment Worksheets, and Environmental Impact Statements developed by Mn/DOT or the DNR will be distributed to the other agency through existing federal and state environmental review processes for review and comment as provided for under federal and state law and rule (9).
  
4. Environmental review documents prepared on proposed Mn/DOT projects will identify any permits required by the DNR; describe potential impacts on natural and recreational resources; and describe reasonable measures to avoid or minimize environmental impacts. Planning or environmental documents, including unit plans, work plans or similar documents prepared by the DNR will identify potential short and long term impacts to transportation facilities, and will include measures by which the project will accommodate present and future transportation needs.
  
5. Upon receipt of documents prepared by Mn/DOT for proposed transportation projects, the DNR Environmental Review Unit will provide written comment to Mn/DOT, describing the effects upon natural and recreational resources, and may include information regarding opportunities for joint development and enhancement (10).

**PROJECT FINANCE**

There are two types of projects that may emerge from actions under this MOU. **Mitigation projects** involve work to mitigate adverse effects of transportation projects. Mn/DOT will mitigate adverse impacts as a matter of practice. Mn/DOT often coordinates with permitting agencies and local governments to develop mitigation plans. **Opportunity projects** may be developed when a significant advantage to a natural or recreational resource can be obtained by an investment by Mn/DOT and the DNR and/or another partnering agency.

Mitigation Project Financing

Mitigation actions and projects suggested by the DNR will specify a desirable end result, and will include specific plan recommendations whenever possible. Funds available to Mn/DOT for transportation purposes are to be expended for mitigation of adverse impacts due to transportation projects.

**Opportunity Project Financing**

Consistent with the Federal Highway Administration (FHWA) Environmental Policy Statement, Mn/DOT will take a positive role when project opportunities arise. However, it is not the responsibility of Mn/DOT to mitigate above and beyond an actual impact caused by a proposed project. Federal funding through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) is available for opportunity projects, subject to funding priorities and programming procedures.

**ISSUE RESOLUTION**

Proposed rules, plans, projects, policies and department positions may result in unresolved issues between the two departments. It will be the policy of each department that such issues will be resolved cooperatively at the lowest possible level in each organization, where staff are most familiar with the issue. Functionally equivalent positions in the two departments for the purposes of issue resolution are set forth in Figure 1, below (11).

If the departmental staff directly involved cannot resolve the issues raised by either department, staff will refer the issue to the attention of the appropriate supervisory staff in the respective departments, per Figure 1 (11).

Every effort will be made to resolve issues of a project or permitting nature at a level no higher than step 3. Matters of statewide policy not resolved at Step 3 will be referred to the Assistant or Deputy Commissioners for a final decision (12).

**Figure 1  
Issue Resolution Equivalent Positions  
Mn/DOT and DNR**

**Mn/DOT Staff**

**DNR Staff**

**Step 1**

MN/DOT PROJECT MANAGER,  
STAFF SPECIALIST or  
UNIT SUPERVISOR  
DNR AREA MANAGER (Forestry, Wildlife,  
Fisheries, Hydrology, Parks, Trails and  
Waterways)

**Step 2**

MN/DOT PRE-DESIGN ENGINEER,  
DETAIL DESIGN ENGINEER,  
MAINTENANCE ENGINEER,  
SECTION SUPERVISOR or



ASSISTANT DISTRICT ENGINEER  
DNR REGIONAL SUPERVISOR

**Step 3**

MN/DOT DISTRICT ENGINEER,  
OFFICE DIRECTOR or METRO  
ASSISTANT DIVISION DIRECTOR OF  
PLANNING, DEVELOPMENT AND  
TRAFFIC  
DNR REGIONAL ADMINISTRATOR  
or DIVISION DIRECTOR

**Step 4**

MN/DOT ASSISTANT COMMISSIONER,  
ASSISTANT CHIEF ENGINEER or  
DIVISION ENGINEER  
DNR ASSISTANT COMMISSIONER  
FOR OPERATIONS

**Step 5**

MN/DOT DEPUTY COMMISSIONER  
DNR DEPUTY COMMISSIONER

The procedures outlined herein will be effective immediately upon signature of the Commissioners of each department, and will remain in effect until decided otherwise by either department. This Memorandum of Understanding may be supplemented by addenda on matters of mutual interest, agreeable to both departments.

This MEMORANDUM OF UNDERSTANDING BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES will replace and supersede the Memorandum of Understanding signed by Commissioner of Department of Transportation James N. Denn on December 4, 1991 and Commissioner of Natural Resources Rodney W. Sando on December 11, 1991, entitled A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF MINNESOTA REGARDING HIGHWAY CONSTRUCTION AND PUBLIC INTERESTS IN FISH, WILDLIFE AND PUBLIC RECREATIONAL RESOURCES.

For the Minnesota Department of Transportation

**MOU – Between Mn/DOT and Mn/DNR**

HPDP / External Coordination / State Agencies

Minnesota Department of Transportation

\_\_\_\_\_  
Elwyn Tinklenberg  
Commissioner

8/6/99  
\_\_\_\_\_  
Date

For the Minnesota Department of Natural Resources

\_\_\_\_\_  
Allen Garber  
Commissioner

8/3/99  
\_\_\_\_\_  
Date

**Appendix**  
**List of Documents to be Provided to Mn/DOT by DNR**

Specific documents which will be provided to Mn/DOT from each DNR Division or Section are found below. Other documents may also be appropriate (13).

**Parks**

**Park Management Plans.** These define statutory boundaries of each park, and indicate what DNR is authorized to develop and how it will be managed. Revisions and modifications to park plans will be provided to appropriate Mn/DOT district/division for review prior to finalization.

**Trails and Waterways**

**Approved Work Plans,** and **Capital Improvement Budget Plans.** These will be provided by The Trails and Waterways Unit every legislative session when a bonding bill is anticipated. The plans are generally updated every two years. Trails also prepares four year plans which indicate specific trail projects. **Long Range Acquisition Plan,** is a priority list of lake accesses and river management prepared by Waterways. (This section

applies to Trails and Waterways facilities that are adjacent to and directly impact the operation of trunk highways.)

**Forestry**

**Five-year Area Forest Resource Management Plans** are available from Division of Forestry Area Offices that detail timber harvesting plans for a five-year period. Annual timber harvest plans are also made available to the public by Area offices. Forest road and recreation construction, reconstruction and rehabilitation project proposals, and land acquisition plan are available biennially in conjunction with capital funding appropriations from the Legislature and annually as part of the Division of Forestry annual work/spending plan development. County Visual Quality Committees have designated and mapped the visual sensitivity of travel corridors (in relation to forest management practices) in most forested counties. Visual sensitivity designations are available from the DNR Division of Forestry or individual counties.

**Waters**

**Summaries of Unit Work Plans.** These outline activities of each unit for two year periods. Particularly relevant are **Permit Unit Work Plans** and **Land use Unit Work Plans**, which will include activities involving floodplains, shorelands, and wild and scenic rivers. Waters has also developed a **Strategic Plan** for the Division.

**Fish and Wildlife**

**LCMR Development Projects, Scientific and Natural Area Plans, Fishing Lakes and Streams Management Plans** (This section applies for areas, lakes and streams adjacent and directly impacting the operation of trunk highways.)

**Other**

**Acquisition plans for lands that area adjacent to a state highway**

**Updates to:**

**Protected Waters List**

**Scientific and Natural Areas Registration List**

**Wildlife Management Areas List**

**Listing of Designated Trout Streams**

Other DNR policies and programs that, in the judgment of the DNR Environmental Review Unit, will affect state transportation facilities or operations.

MEMORANDUM OF UNDERSTANDING

MINNESOTA DEPARTMENT OF TRANSPORTATION  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES

ADDENDUM I  
SIGNING TO DNR PUBLIC OFFICES AND RECREATIONAL FACILITIES

This addendum to the Memorandum of Understanding outlines procedures for coordination on signing issues between the Minnesota Departments of Transportation (Mn/DOT) and Natural Resources (DNR).

**Signing Committee Composition**

An Interagency Signing Committee established in 1993 is co-chaired by the State Signing Engineer, Mn/DOT Office of Traffic Engineering (OTE) and the DNR Sign Committee Chair. Other Mn/DOT committee members include district traffic engineers (two), the Metropolitan Division Traffic Office (one) and OTE (one). Other DNR committee members include Trails & Waterways (one), Field Services (one), Forestry (one), and Parks and Recreation (one).

**Meeting Schedule and Purpose**

The committee will meet at least annually to address signing issues relating to establishment of consistent procedures for DNR to follow when submitting requests for signing on trunk highways; the consideration of signing fees; the determination of costs for signing on trunk highways; clarification of responsibilities for sign maintenance and replacement, including current inventory of DNR signs and procedures for cyclic replacement; and addressing the situation where committed funds may become available before a sign is made.

**Procedural and Policy Changes**

Procedural and policy changes resulting from such meetings for DNR facility signing will be made with the mutual understanding that the application of procedures and policies will be on a uniform, statewide basis. In addition, any procedural and policy changes for such signing will embrace the five basic requirements of the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD) for signing to be effective: fulfill motorist need; command attention; convey a clear, simple meaning; command respect of road users; and give adequate time for proper response. Signing policy changes to be enacted by Mn/DOT for DNR facility signing will have input from the Interagency Signing Committee or, at a minimum, the DNR co-chair and appropriate DNR division or unit representative. Policy changes may require the approval of the DNR Sign Committee and will be subject to approval by Mn/DOT's Traffic Engineering Organization (TEO) Signing Committee and TEO Executive Committee. The Mn/DOT State Traffic Engineer may request technical review by Mn/DOT Districts/Division and final review by Mn/DOT's Assistant Chief Engineer/Division Engineer, Engineering Services.

**Signing Requests**

The DNR will submit all requests for signing on trunk highways to the appropriate Mn/DOT District/Division Traffic Office for review. If necessary, the Mn/DOT District/Division Traffic Office will submit the request to the Mn/DOT Office of Traffic Engineering for review and concurrence. When appropriate, representatives from each department may meet to clarify or resolve problems arising from such requests. Signing deviations from established written rules, regulations and policies will be acted upon by the Mn/DOT District/Division Internal Sign Committee (which includes the Transportation District/Division Engineer) and, if necessary, the Mn/DOT External Sign Variance Committee (chaired by the Sign Program Coordinator, Office of Traffic Engineering), subject to approval by the Mn/DOT Deputy Commissioner/Chief Engineer.

**Sign Costs**

The Mn/DOT Office of Traffic Engineering will review and update signing costs every two years. A breakdown of costs to fabricate and install signing on a square foot basis will be determined based on an evaluation of all costs incurred by Mn/DOT forces. Such costs will be conveyed in writing by the Director of the Office of Traffic Engineering to the Office of the DNR Sign Committee Chair. This letter will be transmitted at the beginning of each calendar year. The Mn/DOT Office of Traffic Engineering will assess these costs on a statewide basis for all signing not initiated by Mn/DOT, including signing to all DNR public facilities eligible for signs on trunk highways.

**Sign Replacement**

When existing DNR facility signing is in need of refurbishing and such signing does not meet current Mn/DOT policies and standards, such signing will be removed by Mn/DOT. Replacement of existing signs meeting current Mn/DOT policies and standards for DNR facilities will be done by Mn/DOT district/division forces or by contract. Whether replaced by Mn/DOT or by contract, the appropriate Mn/DOT District/Division Traffic Office will submit a letter to the DNR Engineering Bureau outlining costs and a time frame when such signing will be replaced. Payment of such signing costs will be made to Mn/DOT prior to replacement of signing. For signs to be replaced under contract, the DNR will make payment for signing based on contract bid prices.

For Mn/DOT\_\_\_\_\_

For DNR\_\_\_\_\_

Date\_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**

**MINNESOTA DEPARTMENT OF TRANSPORTATION  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

**ADDENDUM II  
DEVELOPMENT OF WATER ACCESS AND TRAILS,  
PROCEDURES REGARDING RAILROAD ABANDONMENTS**

This Addendum incorporates procedures contained in the Memorandum of Understanding Between the Minnesota State Departments of Transportation and Natural Resources. It establishes further procedures regarding the enhancement and development of natural and recreational resources identified pursuant to the Highways in Recreation Areas (HIRA) Plan prepared by the Department of Transportation in consultation with the Department of Natural Resources. Finally, the Addendum considers possible acquisition and use of abandoned rail lines for the development of DNR managed trails and other uses.

As established in the Memorandum of Understanding, existing environmental review procedures will remain unchanged. Each agency will have the opportunity to comment on potential impacts of proposed projects upon existing and planned facilities and programs and to offer suggestions to avoid and minimize the effects of the proposed projects.

Opportunities for cooperative efforts in the enhancement and development of natural and recreational resources will be considered in the Mn/DOT project development process as discussed in the HIRA Plan. Comments from the DNR will be provided by the DNR Environmental Review Unit to the appropriate Mn/DOT district office or designated contact person. Copies of comments from the DNR will be sent to the director of the Mn/DOT Environmental Services Office.

Section I:

### **PROVISION AND ENHANCEMENT OF WATER ACCESSES**

This section of the Addendum establishes a process for locating access points to water resources where they are crossed by or located adjacent to trunk highways. As discussed in the Memorandum of Understanding, projects identified through review of Mn/DOT's Highway Improvement Program and Highway Improvement Work Program, may include recreational access and parking for recreational access.

Projects identified by the DNR as having potential for joint development or access will be communicated to Mn/DOT pursuant to the Memorandum of Understanding (14). DNR staff designated as the responsible contact for a specific project will contact the Mn/DOT project manager, or the Mn/DOT District Preliminary Design Engineer to discuss the project in further detail and establish Mn/DOT involvement in the project. Designated DNR staff may submit plans to Mn/DOT for establishing permanent access to any waterway or water resource crossed by a transportation project, as well as any lake where future access is desired from Mn/DOT right-of-way. Copies of communications about specific projects will also be sent to the Director of the Mn/DOT Environmental Services Section (15).

Any project with the potential for federal funds under the Federal Highway Administration, the U.S. Fish and Wildlife Wallop-Breaux programs, or other federal or state programs will be identified and steps taken to ensure funding for coincident construction. This is consistent with the Memorandum of Understanding between the U.S. Department of Transportation and the U.S. Fish and Wildlife Service of April, 1986 (attached).

DNR and Mn/DOT will complete planning and review work on a timely basis and with sufficient lead time so that any access project with potential for special funding support may be funded for coincident construction. Mn/DOT will not be expected to delay any project because of DNR funding or scheduling problems.

DNR Staff designated as responsible contacts for particular projects will continue their responsibilities through all phases of project development to project completion (16). Mn/DOT staff may change as the project advances through project development. Any conflicts regarding the development of the project will be resolved in accordance with procedures established in the Memorandum of Understanding. Separate agreements may

be developed regarding specific projects as determined by designated staff. These agreements should not preclude but should complement procedures established in the MOU, this Addendum and other Addenda to the Memorandum of Understanding.

Section II:

**TRAIL DEVELOPMENT, TRAIL ACCESSES AND TRAIL PARKING**

The potential development of trails, trail accesses and parking for trails in conjunction with highway construction projects will begin with their identification as provided for in the Memorandum of Understanding, and through the HIRA Plan. DNR will be given an opportunity to identify potential trail projects that may be developed concurrently with highway projects through review of Mn/DOT's Highway Improvement Program and Highway Improvement Work Program, as provided for in the Memorandum of Understanding.

Potential joint recreational trail development projects, including accommodations for bicycle travel on highways, recreational trail crossings over major rivers, highways and freeways; trail access and trail parking facilities, will be communicated to the Mn/DOT district offices and the Mn/DOT Bicycle Planning Unit in the Office of Investment Management by a designated project coordinator within the DNR Trails and Waterways Unit. Copies of pertinent information regarding specific projects will be provided to the Mn/DNR Environmental Review Unit and the Mn/DOT Director of Environmental Services (17).

Copies of the current Mn/DOT Bicycle Transportation System Plan will be transmitted from the Bicycle Transportation Unit within the Office of Highway Programs to the Trails and Waterways Unit (18). DNR will review the Mn/DOT bicycle transportation plan and provide information to the Preliminary Design Engineer in the affected district, and the Director of the Office of Investment Management, identifying those projects with potential for trail development. Copies of the plan and communications regarding projects will also be sent to the Mn/DNR Environmental Review Unit and the Mn/DOT Director of Environmental Services (19).

Mn/DOT district staff will review the trail plans and other documents submitted by the DNR, and provide information to the DNR Trails and Waterways Unit as provided for in existing review procedures. Mn/DOT will identify those plans, programs, or proposals that have potential impacts on their facilities, plans, projects, or operations. Mn/DOT may suggest modifications which will avoid or reduce impacts.

The Minnesota Department of Transportation's **Explore Minnesota Bikeways** maps and the **Official State Map** and DNR's Public Recreation Information Map (PRIM), will identify the names and locations of existing state trails. This will be done in a manner consistent with accepted cartographic principles and will be limited to those trails developed primarily for bicycling.

Section III:

**RAIL LINES PROPOSED FOR ABANDONMENT**

A standing committee will be established between Mn/DOT and DNR to:

1. Foster a spirit of coordination and cooperation between the two agencies in regard to issues pertaining to rail line abandonment;
2. Enhance and facilitate the state transportation system.
3. Enhance and facilitate trail corridor development; and

The standing committee will be composed of the Director of Mn/DOT's Office of Freight, Railroads, and Waterways, the Mn/DOT State Railbank Project Manager, the Director of the DNR Trails and Waterways Unit, and the Supervisor of the DNR Trails Operations and Grants-In-Aid Section. Ad hoc members of the committee will consist of representatives from the appropriate Mn/DOT districts, other Mn/DOT divisions, and other DNR staff (20).

The Director of Mn/DOT's Office of Freight, Railroads, and Waterways, and the Director of DNR's Trails and Waterways Unit will serve as co-chairs of the committee.

**Review Procedures:**

Mn/DOT's Office of Freight, Railroads and Waterways will provide the DNR Environmental Review Unit with an annual rail abandonment status map and report on the rail lines in Minnesota. These contain categories for the Minnesota rail lines, and indicate if a railroad company has moved a line into an abandonment category. The DNR Environmental Review Unit will circulate the status map to the Trails and Waterways Unit and other DNR Divisions and Regions that may have an interest in the report (21).

The DNR Environmental Review Unit also receives notices of proposed abandonments directly from the railroad company in ownership of the rail line in accordance with Surface Transportation Board (STB) requirements regarding abandonment applications. The DNR Environmental Review Unit will distribute information about the proposed abandonment to all interested DNR divisions and will provide comments to the railroad company and the STB for incorporation into their environmental report on the project. Copies of DNR correspondence regarding these projects will also be transmitted to the Mn/DOT Rail Planning and Programs Section. Mn/DOT may provide comments regarding the railroad abandonment directly to the railroad and STB as well.

Full details of the abandonment and coordination procedures are outlined in the attachment - **Minnesota Abandoned Railroad Corridor Preservation Process** signed July 1,1993. (See attachment)

**Standing Committee Functions:**

The frequency of meetings will be decided by the co-chairs of the standing committee.

When Mn/DOT and DNR become aware of proposed abandonments, the committee may be convened to exchange views about use of the abandoned corridor. Meetings may be convened by either agency.



**Additional Charge:**

In addition to the above procedures involving project specific issues, the standing committee may make recommendations on other rail abandonment issues. In addressing the issues set forth below, it is anticipated that the committee will involve other administrative units within the respective departments. The committee should address the following:

1. Criteria for determining whether or when a grade separation at trail crossing is warranted.
2. Criteria for determining the nature and type of structures that would be appropriate given the intended use of the trail corridor.
3. Design alternatives that can be applied to site specific trail crossings.
4. Conditions for removing existing structures.
5. Guidance materials for Mn/DOT districts and DNR regions that include all the above considerations.

**Unresolved Concerns:**

The General Memorandum of Understanding describes procedures for conflict resolution on page 6. With regard to conflict resolution, the committee will be considered as being at the district engineer-regional administrator level. In the case where an issue cannot be resolved by the committee itself, the issue will be referred to the respective Assistant Commissioners for resolution.

1.  
THE MN/DOT-MN/DNR QUESTIONNAIRE IS USED BY MN/DOT PROJECT MANAGERS TO INITIATE CONTACT FOR EARLY COORDINATION WITH THE DNR ON A SPECIFIC PROJECT. THIS FACILITATES THE EARLY COORDINATION PROCESS FOR MN/DOT PROJECT MANAGERS.
2.  
IN PRACTICE, NEARLY ALL THIS INFORMATION WILL COME FROM THE DNR ENVIRONMENTAL REVIEW UNIT.
3.  
FOR THE FIRST MEETINGS, THE MN/DOT DESIGNEE AND THE MN/DNR ENVIRONMENTAL ASSESSMENT ECOLOGIST WILL ASSUME THE RESPONSIBILITY FOR INITIATING THE PROCESS TO SCHEDULE THE MEETINGS, DEVELOP AN AGENDA, ETC. ARRANGEMENTS FOR SUBSEQUENT MEETINGS SHOULD BE THE

JOINT RESPONSIBILITY OF THE DNR REGION AND THE MN/DOT DISTRICT. A WORTHWHILE AGENDA ITEM FOR THE FIRST MEETINGS WOULD BE THE DEVELOPMENT OF REGIONAL--DISTRICT RESPONSIBILITIES FOR SUBSEQUENT MEETINGS.

4. THESE MATERIALS SHALL BE SENT FROM THE OFFICE OF INVESTMENT MANAGEMENT TO THE SUPERVISOR OF THE ENVIRONMENTAL REVIEW UNIT IN THE DNR. (COPIES TO BE FORWARDED TO REGIONAL ADMINISTRATORS.)

5. ANY COMMENTS DEVELOPED BY DNR UNDER THIS SECTION SHALL BE SENT BY THE DNR ENVIRONMENTAL REVIEW UNIT TO MN/DOT OFFICE OF TECHNICAL SUPPORT - PROJECT DEVELOPMENT SECTION WHO WILL DISTRIBUTE TO APPROPRIATE STAKEHOLDERS. ON PROJECTS WHERE COORDINATION HAS TAKEN PLACE PRIOR TO THE STIP, COMMENTS FROM DNR MAY NOT BE NECESSARY.

6. DOCUMENTS SHALL BE SENT BY DNR ENVIRONMENTAL REVIEW UNIT TO MN/DOT DIRECTOR OF ENVIRONMENTAL SERVICES. ENVIRONMENTAL SERVICES SHALL COPY AND DISTRIBUTE TO ALL DISTRICT ENGINEERS AND TO SUCH C.O. OFFICE DIRECTORS AS IS APPROPRIATE.

7. MN/DOT OFFICE OF ENVIRONMENTAL SERVICES WILL COORDINATE RESPONSES, IF NEEDED.

8. MN/DOT OFFICE OF TECHNICAL SUPPORT WILL SEND PROJECT REPORTS TO DNR ENVIRONMENTAL REVIEW AND ASSISTANCE UNIT EXCEPT THOSE EXEMPT PER QUESTIONNAIRE GUIDELINES.

9. THIS DESCRIBES CURRENT PRACTICE. IN ADDITION, THE DNR AS A MEMBER OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD RECEIVES OTHER DOCUMENTS THROUGH THE STATE ENVIRONMENTAL REVIEW PROCESS, INCLUDING SCOPING DOCUMENTS, SCOPING DECISION DOCUMENTS, FINDINGS OF FACT AND CONCLUSIONS, ADEQUACY DECISIONS, ETC.

10. DNR ENVIRONMENTAL REVIEW UNIT WILL FORWARD COMMENTS TO WHOMEVER IS DESIGNATED IN THE DOCUMENT TRANSMITTAL LETTER, AND SHALL PROVIDE A COPY OF COMMENTS TO PROJECT DEVELOPMENT SECTION OF THE OFFICE OF TECHNICAL SUPPORT WHO WILL MAKE AN APPROPRIATE DISTRIBUTION.

11. THIS SHOULD BE A KEY FEATURE OF FUTURE INTERACTIONS BETWEEN THE

TWO AGENCIES. EVERY EFFORT SHOULD BE MADE TO RESOLVE ANY CONFLICTS OR DISAGREEMENTS IN THE FIELD. THE ONLY ISSUES TO GO BEYOND STEP 3 ARE THOSE ISSUES WHICH ARE OF STATEWIDE IMPORTANCE, OR WHICH INVOLVE STATEWIDE POLICY, OR WHICH MAY SET SOME PRECEDENT FOR LONG TERM ACTIONS FOR EITHER DEPARTMENT.

12.

NOTE: MN/DOT Project and Process Guidance UNIT IN THE OFFICE OF TECHNICAL SUPPORT AND ENVIRONMENTAL SERVICES OFFICE ARE AVAILABLE FOR CONSULTATION.

DNR ENVIRONMENTAL REVIEW UNIT IS AVAILABLE FOR CONSULTATION.

13.

THE DNR ENVIRONMENTAL REVIEW UNIT WILL PROVIDE THESE TO THE MN/DOT OFFICE OF ENVIRONMENTAL SERVICES. ENVIRONMENTAL SERVICES WILL DUPLICATE AND DISTRIBUTE WITHIN MN/DOT. ENVIRONMENTAL SERVICES WILL BE RESPONSIBLE FOR DISTRIBUTING THE INITIAL LIST AND TO PROVIDE PERIODIC UPDATES AS THESE MATERIALS ARE DEVELOPED. THE DNR ENVIRONMENTAL REVIEW UNIT SHALL ANNUALLY CHECK WITH EACH DNR DIVISION TO INSURE THAT MN/DOT HAS THE MOST CURRENT INFORMATION.

14.

IN THE EVENT DNR IDENTIFIES AN OPPORTUNITY FOR AN ACCESS, THE DIRECTOR OF THE DNR TRAILS AND WATERWAYS UNIT WILL APPOINT A DNR "CONTACT" FOR THAT PROJECT. THAT PERSON WILL BE RESPONSIBLE FOR CONTACTING THE MN/DOT PROJECT MANAGER TO INITIATE THESE DISCUSSIONS.

FOR MN/DOT PROJECTS WHICH UNDERGO ENVIRONMENTAL QUALITY BOARD (EQB) ENVIRONMENTAL REVIEW, THE ENVIRONMENTAL REVIEW OF WATER ACCESS WILL ROUTINELY BE COVERED DURING THE REVIEW PROCESS. FOR PROJECTS WHICH ARE EXEMPT FROM EQB ENVIRONMENTAL REVIEW, A DESIGNATED DNR CONTACT PERSON WILL BE RESPONSIBLE FOR INSURING THAT THE CONCERNS OF ALL DNR DISCIPLINES ARE OBTAINED AND COMMUNICATED TO THE MN/DOT PROJECT MANAGER.

15.

"COMMUNICATIONS" COULD INCLUDE LETTERS, MEMORANDUM(S), CONTACT REPORTS, AND OTHER DOCUMENTS AS APPROPRIATE. COPIES SHOULD BE DISTRIBUTED AS DESCRIBED ON PAGE 3 OF THE MOU, (I.E. MN/DOT DISTRICT OFFICE, OFFICE OF ENVIRONMENTAL SERVICES, AND OFFICE OF RIGHT OF WAY, AS APPROPRIATE, AND TO THE DNR ENVIRONMENTAL REVIEW UNIT.

16.

THESE ARE THE SAME PERSONS AS DESCRIBED IMMEDIATELY ABOVE.

17.

IN ACCORDANCE WITH THE PROCEDURES SET OUT ON PAGE 4 OF THE MOU, A PERSON DESIGNATED BY THE DIRECTOR OF THE DNR TRAILS AND WATERWAYS

UNIT WILL RESPONSIBLE FOR CONTACTING BOTH THE AFFECTED MN/DOT DISTRICT AND THE MN/DOT BICYCLE TRANSPORTATION UNIT IN THE CASE ANY OF THESE ITEMS ARE IDENTIFIED AS DESIRED.

IN THE EVENT DNR IDENTIFIES AN OPPORTUNITY FOR A TRAIL PROJECT, THE DIRECTOR OF THE DNR TRAILS AND WATERWAYS UNIT WILL APPOINT A DNR "CONTACT" FOR THAT PROJECT. THAT PERSON WILL BE RESPONSIBLE FOR CONTACTING THE MN/DOT PROJECT MANAGER TO INITIATE THESE DISCUSSIONS.

FOR MN/DOT PROJECTS WHICH UNDERGO EQB ENVIRONMENTAL REVIEW, THE ENVIRONMENTAL REVIEW OF TRAIL ISSUES WILL ROUTINELY BE COVERED DURING THE REVIEW PROCESS. FOR PROJECTS WHICH ARE EXEMPT FROM EQB ENVIRONMENTAL REVIEW, A DESIGNATED DNR CONTACT PERSON WILL BE RESPONSIBLE FOR INSURING THAT THE CONCERNS OF ALL DNR DISCIPLINES ARE OBTAINED AND COMMUNICATED TO THE MN/DOT PROJECT MANAGER.

18.

MN/DOT BICYCLE TRANSPORTATION UNIT WILL BE RESPONSIBLE FOR TRANSMITTING THE CURRENT SYSTEM PLAN ON AN ANNUAL OR AS NEEDED BASIS TO THE DIRECTOR OF THE DNR TRAILS AND WATERWAYS UNIT.

19.

THE DNR ENVIRONMENTAL REVIEW UNIT, SUPERVISOR OF THE ENVIRONMENTAL REVIEW SECTION WILL BE RESPONSIBLE FOR TRANSMITTING ANY INFORMATION DEVELOPED PURSUANT TO THIS SECTION TO THE PRELIMINARY DESIGN ENGINEER OR PROJECT MANAGER IN CHARGE OF THE SPECIFIC MN/DOT PROJECT. EACH AGENCY DESIGNEE SHOULD BE KEPT INFORMED OF ANY IDENTIFIED TRAIL DEVELOPMENT PROPOSALS UNDER THIS SECTION.

20.

MN/DOT STAFF INVOLVED INCLUDE MN/DOT DIRECTOR OF FREIGHT, RAILROADS, AND WATERWAYS, AND MN/DOT'S RAILBANK PROJECT MANAGER. DNR STAFF INCLUDE DIRECTOR OF TRAILS AND WATERWAYS AND SUPERVISOR OF TRAILS OPERATIONS.

21.

MN/DOT RAILROADS AND WATERWAYS WILL SEND THIS MAP TO DNR ENVIRONMENTAL REVIEW UNIT.

## **ATTACHMENT**

*Memorandum of Understanding between the U.S. Federal Highway Administration and the U.S. Department of the Interior on Providing for Access Ramps in Accord with Section 147 of the Federal-Aid Highway Act of 1976.*

*Signed by the Agencies, March and April, 1986*

Memorandum of Understanding Between the Federal Highway Administration and the Department of the Interior on Providing for Access Ramps in Accord with Section 147 of the Federal-Aid Highway Act of 1976

**A. Purpose**

The purpose of this Memorandum of Understanding is to provide guidance for the approval of access ramp projects to public boat launching areas, as required by Section 147 of the Federal-Aid Highway act of 1976, *P.L. 94-280*, May 5, 1976. Section 147 provides that funds apportioned to the States under 23 U.S.C. Section 104(b)(1), (b)(2), and (b)(6), may be used on application by the States for the construction of access ramps to public boat launching areas adjacent to bridges under construction, reconstruction, replacement, repair, or alteration on the Federal-aid primary, secondary, and urban system highways.

**B. Definitions**

1. **Bridge.** The American Association of State Highway Transportation Officials (AASHTO) defines a bridge as "a structure including supports erected over a depression or an obstruction, as water, highway, or railway and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between under copings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening." For purposes of this memorandum a bridge is defined as such a structure over crossing a waterway of a sufficient size to accommodate boating.
2. **Adjacent.** For purposes of this memorandum, a public boat launching area is adjacent to a bridge located on a Federal-aid primary, secondary, or urban system if the property upon which the boat launching area is located, or will be located, is contiguous at any point with the highway right-of-way.
3. **Access Ramp.** For purposes of this memorandum, an access ramp is defined as a suitable roadway leading from the Federal-aid highway to the boat launching area.
4. **Public Boat Launching Area.** For purposes of this memorandum, a public boat launching area is defined as the area at which boats are actually placed in the water.

**C. Agreement**

1. In accordance with Section 147 of the Federal-Aid Highway Act of 1976, the Secretary of Transportation will, upon application of a State and subject to the

availability of funds, approve the construction of access ramps to public launching areas which are adjacent to bridges that are being constructed, reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban systems. Approval is contingent upon a showing of safety and utility of the highway facility including the access ramp.

2. The authority to include an access ramp to a boat launching area in a request for Federal funding remains with the State Highway Agency (SHA), in accordance with 23 U.S.C. Section 145.
3. The development and acquisition of the boat launching area and the access ramp may be accomplished concurrently by mutual agreement between the SHA and the agency responsible for the launching area. However, the property adjacent to the highway right-of-way on which the boat launching area is to be located must be in public ownership, or under adequate public control and tenure at the time Federal funds for the access ramp are obligated.
4. Where the highway right-of-way is sufficient for joint development, a public boat launching area may be located within the right-of-way so long as it does not interfere with the safety and utility of the highway function, subject to the Federal-Aid Highway Program Manual, Volume 7, Chapter 4, Section 3.
5. While the public boat launching area must be adjacent to the highway right-of-way, additional highway rights-of-way may be necessary for the construction of a suitable access ramp. Costs for the acquisition of such additional rights-of-way may be eligible for funding in the same manner and extent as costs to construct the access ramp. The additional highway rights-of-way and the maintenance responsibility will be assigned and remain with the highway agency.
6. Access ramp construction eligible for consideration under Section 147 may only be accomplished in conjunction with federally funded bridge projects. The Federal share of the costs of such access ramps will be in accordance with the provisions of 23 U.S.C. Section 120 and may be funded in accordance with the system involved from funds provided under 23 U.S.C. Section 104(b)(1), (b)(2), or (b)(6). This does not preclude agreements between the SHA and other agencies where Federal highway administration funds are not involved.
7. It is not the intention of Section 147 of the Federal-Aid Highway Act of 1976 to provide an extended roadway system within publicly owned recreation areas, but rather to provide direct access from the highway right-of-way to the water traversed by such highway.
8. Where a federally funded bridge project will result in the replacement of an existing bridge, opportunities for access ramp development in conjunction with the replaced bridge and associated highway rights-of-way, should be examined as part of project planning efforts. The parties agree that Federal funding provided under 23 U.S.C., Section 104(b)(1), (b)(2), or (b)(6) may be used to provide for an access ramp to a public boat launching area at the replaced bridge or its associated highway rights-of-way.

#### **D. Responsibilities of the Federal Highway Administration**

1. The FHWA will encourage the SHA to notify the appropriate State Liaison officers and State Fish and Game Directors of proposed bridge work and the opportunity for funding of the construction of access ramps to public boat launching areas

under Section 147. This notification will be a normal part of project development and will occur early enough to permit the timely inclusion of access ramp proposals in the bridge project.

2. The FHWA will permit the approval of access ramp additions which are submitted at any time during the development of the bridge project.

#### **E. Responsibilities of the National Park Service (NPS)**

1. The NPS will notify the State Liaison Officers of each State of the provisions of this memorandum.

This notification will alert State agencies of the potential for Federal-aid funding for access ramps. The NPS will stress the importance of early coordination and consultation with the FHWA and SHA for evaluating opportunities to implement Section 147 in connection with proposed bridge projects.

2. The NPS will provide technical assistance, as appropriate, to other Federal, State and local agencies in assessment of opportunities for implementing Section 147.

#### **F. Responsibilities of the Fish and Wildlife Service (FWS)**

1. The FWS will notify the Fish and Game Directors of each State of the provisions of this memorandum.

This notification will alert State agencies of the potential for Federal-aid funding for access ramps. The FWS will stress the importance of early coordination and consultation with the FHWA and SHA for evaluating opportunities to implement Section 147 in connection with proposed bridge projects.

2. The FWS will provide technical assistance, as appropriate, to State Fish and Game agencies.
3. The FWS will coordinate Department of the Interior responsibilities for implementation of this agreement.

#### **G. Interpretation of Section 4(f) of the Department of Transportation Act**

The legislative history of Section 147 of Public Law 94-280 indicates that it is "the intent of Congress that if a bridge is to be constructed, reconstructed, replaced, repaired, or otherwise altered, the project should provide reasonable access to the water traversed by such bridge." Thus, the sole purpose of access ramps pursuant to Section 147 of the Federal-Aid Highway Act of 1976 is to provide Federal-aid highway funds for construction of access ramps to public boat launching facilities. Such access ramps are not an integral or necessary component of the bridge project (to which they are appended) which is approved by the FHWA nor do such access ramps meet any transportation need or provide any transportation benefits.

Boat launching areas are often associated with publicly owned parks, recreational areas,

or refuges otherwise protected by the provisions of Section 4(f) of the Department of Transportation Act, 49 U.S.C. Section 303 and 23 U.S.C. Section 138. Where this is the case, it would be contrary to the intent of Section 147 of Public Law 94-280 to search for "feasible and prudent alternatives" to the use of such areas as a site for a ramp to a boat launching area.

Therefore, the Department of Transportation and the Department of the Interior agree that a consistent reading of Section 147 and Section 4(f) precludes the simultaneous application of the two sections to boat launching ramp projects through or to the publicly owned park, recreation area or refuge with which the boat launching area is associated. Therefore, Section 4(f) shall not apply to access ramp projects to such boat launching areas carried out pursuant to Section 147.

It is our understanding that the construction of boat access ramps permitted under the authority of Section 147 of the Federal-Aid Highway Act of 1976 does not fall under the requirements of Section 4(f) of the Department of Transportation Act, 49 U.S.C. Section 303 (23 U.S.C. 138). However, the proposed or actual construction, replacement, repair or alteration of a bridge on lands designated in Section 4(f) will be regulated under that provision.

**H. Review of Memorandum of Understanding**

Within 5 years from the effective date of this Memorandum of Understanding, the Administrator and the Assistant Secretary shall review the effectiveness of this Understanding in achieving the stated purpose. If based upon that review, or any time during the course of operation within this Understanding either the administrator or the Assistant Secretary find its terms in need of modification, he or she may notify the other of the nature of the desired change.

Concur:

Administrator

Federal Highway Administration  
and Wildlife and Parks (Sgd) P. Daniel Smith  
April 11, 1986

Assistant Secretary for Fish  
Date March 25, 1986

**GUIDELINES FOR USE OF Mn/DOT - DNR QUESTIONNAIRE**

The Mn/DOT - DNR questionnaire serves two early coordination purposes:

1. To inform the DNR of upcoming projects and,
2. To obtain input from the DNR on projects that may impact their interests.



Note: This is a preliminary contact. As more/better project details become available, the Project Manager may contact the DNR Environmental Review Unit for updated input.

**The Questionnaire should be used on all EAW, EA, and EIS projects.**

Here is some guidance to help the project manager determine when the questionnaire should be used for Categorical Exclusions (Project Memos and Project Path Reports).

**General rule of thumb:** *If the project is staying within the shoulder P.I. (point of intersection) and there will be no impacts to protected waters, prairies or wetlands, no questionnaire is required.*

Representatives from Mn/DOT's Office of Environmental Services have reviewed the list of projects on "Attachment A" of the Programmatic Categorical Exclusion Approval Agreement between the FHWA and MN/DOT dated 9/27/94 and offer the following advice for each of the types of projects listed.

<b>Contacts</b>		<b>Phone Number</b>	<b>Groupwise ID</b>
Sarma Straumanis	Mn/DOT Wildlife Biologist	(651) 366-3626	STRA1SAR
Jason Alcott	Mn/DOT Wildlife Biologist	(651) 366-3605	ALCO1JAS
Bob Jacobson	Mn/DOT N R		
Program Coord.	(651) 284-3767	JACO1ROB	

- | <b>Project Type</b>   | <b>Guidance</b>   |
|---|---|
| 1. Pavement resurfacing, restoration, or rehabilitation.  | General rule of thumb or call Sarma Straumanis  |
| 2. Junkyard Screening   | Call Jason Alcott   |
| 3. Erosion and water pollution control work.  | Call Bob Jacobson   |
| 4. Acquisition and/or preservation of abandoned RR corridors  | Use Mn/DOT-DNR Questionnaire  |
| 5. Architectural planning, research, and site investigations.   | Use Mn/DOT-DNR Questionnaire  |
| 6. Anti-skid treatments.  | General rule of thumb.  |
| 7. Curb/gutter repairs or construction.   | General rule of thumb.  |
| 8. Repair or construction of sidewalks, ramps, or handrails as required by the Americans with Disabilities Act. | Exempt  |
| 9. Mechanical, electrical or signal work within existing right of way.  | Exempt unless affecting wetlands or protected waters, or is in a cut section, then use Mn/DOT-DNR Questionnaire. If proj. is in rural, western MN contact Bob Jacobson for Prairie determination. |
| 10. Traffic detours.  | General rule of thumb or call Sarma Straumanis.   |

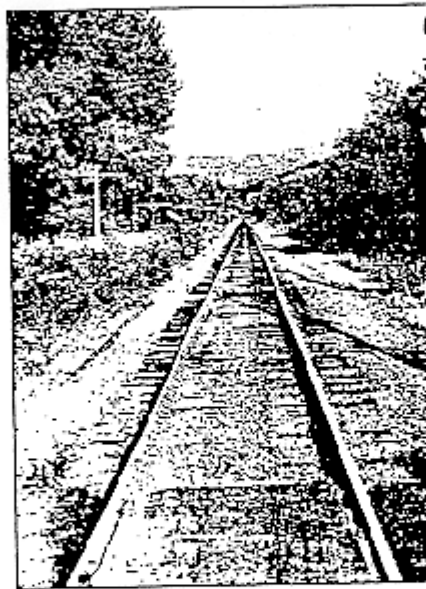
**MOU – Between Mn/DOT and Mn/DNR**

11. Surfacing existing unpaved roadway or bikeways. Roadway - gen. rule of thumb.  
Bikeway - use MnDOT-DNR Questionnaire
12. Impact attenuator and glare screen installation Exempt
13. Retaining wall restoration, fencing, guardrail installation or replacement, intermittent resurfacing, restoration or replacement of drainage structures.  
All exempt unless work is within protected waters or there will be a change in culvert invert or size, then use Mn/DOT-DNR Questionnaire.
14. Shoulder resurfacing, restoration, or rehabilitation.  
General rule of thumb.
15. Installation of turn lanes at roadway intersections. Exempt unless affecting wetlands or protected waters, or is in a cut section, then use Mn/DOT-DNR Questionnaire. If proj. is in rural, western MN contact Bob Jacobson.
16. Change of driveway/access configuration.  
" "
17. Upgrading safety features.- (DO NOT USE THIS AS A PROJECT TYPE - SELECT ANOTHER FROM 1- 16 OR 18 - 24)
18. Traffic demand management activities. Exempt
19. Improvements to existing waysides and scenic overlooks.  
Call Jason Alcott
20. Disposal of excess right of way. Call Sarma Straumanis.
21. Bridge rehabilitation or deck replacement. General rule of thumb or if there are bird nests on the structure, call Jason Alcott.
22. Bridge replacement on existing alignment with minor impacts associated with placement of fill material. Use Mn/DOT-DNR Questionnaire.
23. Railroad crossing work outside of existing right of way. Call Sarma Straumanis and Bob Jacobson or use Mn/DOT-DNR Questionnaire.
24. Reconstruction and/or widening of roadway on existing alignment with no additional through lanes, continuous turn lanes, or auxiliary lanes. Use Mn/DOT-DNR Questionnaire.

*Freight Rail Issues*

APPENDIX A

MINNESOTA  
ABANDONED RAILROAD CORRIDOR  
PRESERVATION PROCESS



Drafted from  
Abandoned Railroad Corridor Interagency Meetings

Reviewed by participating agencies.

To be implemented  
July 1, 1993

Send resolutions or letters of support to:  
Legislative Commission on Minnesota Resources  
John Velin, Director  
Room 65, State Office Building  
100 Constitution Avenue  
St. Paul, MN 55115

March 18, 1993



Minnesota  
Department of Transportation  
Transportation Building  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155

July 1, 1993

Mr. John Velin, Director  
Legislative Commission on Minnesota Resources  
100 Constitution Avenue  
Room 65  
State Office Building  
St. Paul, Minnesota 55155

RE: Minnesota Abandoned Railroad Corridor Preservation Process

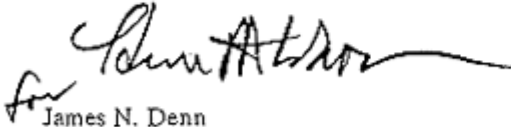
Dear Mr. Velin:

The Minnesota Department of Transportation (Mn/DOT) has been pleased to be part of developing the Minnesota Abandoned Railroad Corridor Preservation Process. The process as outlined in the March report is reflective of the best interest of all Minnesotans in preserving the long term opportunities for inherently valuable corridor resources. Thank you for your efforts in coordinating the development of this process.

Mn/DOT is committed to the process and partnership which has been developed. The Department's Modal Integration Council, District Engineers, and Operations Division have all reviewed this process and provided positive feedback. The Office of Railroads and Waterways and Metro Division have already begun implementing recommended procedures for evaluating and securing rail corridors. We are especially pleased that this process utilizes existing institutional structures, rather than creating new ones.

The effort put forth by you and your staff is very much appreciated.

Sincerely,

  
James N. Denn  
Commissioner

*An Equal Opportunity Employer*

PRESERVING ABANDONED RAILROAD CORRIDORS:  
Introduction

THE ISSUE/PROBLEM:

Abandoned railroad corridors that have public value for transportation, recreation, utilities, and wildlife and prairie species habitat are often lost for future public purposes.

- Once abandoned corridors are lost in piecemeal fashion, they are nearly impossible to reassemble.
- In Minnesota, over 4500 miles of rail lines have been abandoned since the 1930's. This represents one half of the rail lines in place at the peak of Minnesota's rail system. Two thousand miles of these lines have been abandoned in the past 15 years.
- Recognizing that these abandoned rail corridors can continue to be a public resource, public agencies have purchased nearly 600 miles of the over 1600 miles abandoned since January, 1981.
- While the success rate of state and local government purchases demonstrates a strong past commitment to preserving this public interest, significant opportunities have been lost.
- Another 800-1000 miles of railroad corridors are projected to be abandoned in the upcoming decade.

In August and October 1992, a series of interagency meetings on preserving Minnesota rail corridors for public purposes took place. The meetings were convened to discuss ways to increase cooperation between multiple layers of government potentially affected by corridor abandonment.

These meetings were sponsored by the Minnesota Department of Natural Resources and Department of Transportation, Metropolitan Council, and the staff of the Legislative Commission on Minnesota Resources and were attended by a wide variety of public agencies.

Participants focused on mechanisms for improving cooperation and building partnerships needed to ensure the preservation of abandoned rail corridors as future public resources. They stressed the need to acquire rail corridors as public resources *without first determining what will be the next uses of the corridor.*

Participants generally agreed that:

- rail corridors represent a *public trust* for Minnesotans; and,
- all corridor uses should be considered *interim uses* subject to changing societal needs and values.
- the proposed process is predicated only on abandoned railroads and does not effect rail lines currently in service.

**THE APPROACH:**

To improve future corridor preservation efforts by engaging affected public agencies in the development and implementation of a coordinated corridor acquisition and management strategy.

Preservation of corridors will take place through a Preservation Process consisting of three phases:

- Phase One - Responds to an abandonment notice;
- Phase Two - Preserves a specific corridor, and
- Phase Three - Develops a use plan for managing the corridor.

*This initiative does not require reorganization or creation of new structures. Instead, it relies upon existing institutional mechanisms, striving to make these mechanisms work more efficiently, more effectively, and in a more coordinated fashion. Corridor preservation efforts must proceed quickly and decisively if they are to be effective. This initiative is designed to coordinate and expedite the multi-agency response to pending railroad abandonments.*

**PRESERVING ABANDONED RAILROAD CORRIDORS:**

**The Process**

**Getting Started: The Assessment Checklist**

*This assessment checklist can guide decisions in Phases 1 through 3.*

1. Why shouldn't this corridor, once abandoned, remain in the public domain?
2. Does this corridor appear in any applicable plans?
3. What are the potential public uses of this corridor?
4. Does public support for preserving the corridor exist?
5. Does an economic or commercial reason exist to preserve the corridor?
6. What multi-modal (e.g. continued rail service, highway, trails, transit), or multi-use (e.g. transportation recreation, utilities) opportunities are provided by preserving the corridor?
7. What are the potential acquisition funding sources for this corridor?
8. What are the legal constraints for acquiring this corridor?
9. What are the procedures to monitor, oversee or mediate the preservation process?

*When this process is functioning, an on-going informal contact between state agencies, the Governor's Office and Minnesota railroads should be established to better anticipate abandonments. In addition, cities, counties, regional planning organizations and state agencies should consider rail corridors in their on-going land use, transportation and*

*recreation planning activities so that they are better prepared should a rail abandonment occur.*

**PHASE ONE - RESPONDING TO AN ABANDONMENT NOTICE**

**Step 1. Initiate a response to a corridor abandonment notice.**

**Objective:** To alert potentially affected public agencies of a pending abandonment.

**Who:** Minnesota Department of Transportation (Mn/DOT).

Upon receipt of a Surface Transportation Board (STB) notice of abandonment, Mn/DOT will identify and inform potentially affected public agencies, including the Department of Natural Resources (DNR), the Department of Trade and Economic Development (DTED), affected Regional Development Commissions (RDCs) and/or Metropolitan Planning Organizations (MPOs), Counties and Cities which may encompass or may be near the abandoned line, and the Regional Rail Authority. These agencies and governmental units will be asked to be members of a "Quick Response Team".

The purpose of the Quick Response Team will be to conduct a preliminary assessment of the corridor and to determine whether to notify the STB of a public interest in the line.

The Quick Response Team will receive information from Mn/DOT about:

- The abandonment proceedings, and
- The date, time, and location of Quick Response Team meetings.

**Step 2. Respond to the notice of abandonment (generally required within 30 days; 20 days if accelerated) in writing to the STB.**

**Objective:** To meet the STB timing requirements for requesting a 180 day public use negotiation period.

**Who:** Mn/DOT in conjunction with affected public agencies and local units of government as represented by the Quick Response Team.

Mn/DOT will convene the "Quick Response Team" meeting within ten days of the STB notice of abandonment.

**Actions:**

- Assess the local, regional, and statewide significance of the railroad corridor using the Assessment Checklist.
- If they decide not to preserve, notify all parties and respond accordingly (write the letter) to the STB Notice.
- If they decide to preserve, notify STB accordingly (write the letter), notify all parties, and identify potential future public uses of the corridor.
- Identify the appropriate agency composition of a "Preservation Team" - identify lead agency for the preservation team and notify them of the 180-day public use

negotiation period.

## **PHASE TWO - PRESERVING A SPECIFIC CORRIDOR**

### **Step 1. If a decision is made to pursue acquisition:**

**Objective:** Determine whether to acquire the abandoned corridor based upon Assessment Checklist results.

**Who:** The Preservation Team composed of those determined by the Quick Response Team to be interested parties.

#### **Actions:**

- Apply the Assessment Checklist to determine whether the acquisition process should proceed. If a decision is made not to pursue acquisition, notify the appropriate interests.
- Develop and implement a strategy for public involvement and communication (only if decision is "yes").
- Document proceedings and decision rationale. Note dissenting opinions.

### **Step 2. Develop a corridor preservation strategy.**

**Objective:** To adopt a strategy to develop the corridor or preserve it until needed.

**Who:** The Preservation Team:

#### **Actions:**

- Assign roles and responsibilities for background work.
- Develop an interim resource-protection strategy.
- Develop corridor concept alternatives (shared and mixed use).
- Develop a sequence of events (plan-who/what/where?)
- Conduct a pre-acquisition assessment which could:
  - Assess implications of existing conditions of the corridor (e.g. recommend whether to require that bridges, drainage structures and ditching, train stations and other existing facilities are to be kept intact).
  - Assess natural resource values that might need protection during a tie-and-rail salvage operation.
  - Assess potential for and/or the extent of environmental contamination.

### **Step 3. Acquire the corridor.**

**Objective:** To establish a reliable funding pool, tools, and techniques.

**Who:** The Preservation Team:



**Actions:**

- Require existing corridor conditions to remain at the time of sale, as specified by the Preservation Team (e.g., leave the structures in place).
- Coordinate alternative funding sources (e.g., Legislative Commission on Minnesota Resources (LCMR), Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) (including the National Recreation Trail Funding Act), state and/or local bonding, regional rail authority, Mn/DOT Railbank Program, donations, etc.).
- Assess the flexibility of the funding sources related to this particular abandonment (i.e., identify any restrictions; determine appropriate funds for various types of rail-preservation projects; determine local match requirements.)
- Develop a process for coordinating agency funding requests, including clarification of expectations for city, county or regional funding.
- Identify the lead agency to negotiate with the railroad.
- Establish value of the corridor based on a certifiable method of appraisal.
- Pool available funds as appropriate.
- Acquire the corridor.

**Step 4. Place corridor in cooperative preservation status.**

**Objective:** To preserve the corridor until needed or developed for another use.

**Who:** Agency that purchased the corridor will:

**Actions:**

- Develop and implement an interim corridor management plan.
- Periodically review the status of the corridor.
- Draft scoping report.
- Hold public meetings.
- Consider various "holding" strategies. For example, it may be useful to consider other interim uses of the corridor other than state management, including allowing temporary transfer, through sale or lease, of right-of-way to private ownership with the caveat of future buy-back at market rate or lease dissolution when the corridor is needed for public use. All transactions may also stipulate that the grade may be purchased intact and that no structure may be put in or removed from corridors and destruction of contours may be limited during private ownership. Another possible consideration might be land exchanges with private owners in order to improve corridor alignment and consolidate ownership of land split by the railroad corridor.

**Step 5. Identify a corridor development and use management team.**

**Objective:** Manage the development process.

**Who:** The Preservation Team will:

**Actions:**

- Review previous decisions.
- Provide feedback on the process for future acquisition efforts.
- Determine the composition of a "development and use management team" for Phase Three with responsibility assigned for convening the process.

**PHASE THREE - DEVELOPING A USE PLAN FOR MANAGING CORRIDOR**

**Step 1. Initiate planning strategy.**

**Objective:** To narrow the corridor development options.

**Who:** The Development and Use Management Team will:

**Actions:**

- Review the corridors potential public-use options consistent with restrictions of the funding source(s).
- Identify funding sources for development and maintenance; evaluate whether funds create use restrictions.
- Develop a strategic goal/mission statement for the corridor with key objectives.
- Identify potential stakeholders.
- Identify agency to lead and manage, including preparation of the Use Plan.

**Step 2. Prepare the Use plan with appropriate citizen participation and implement it.**

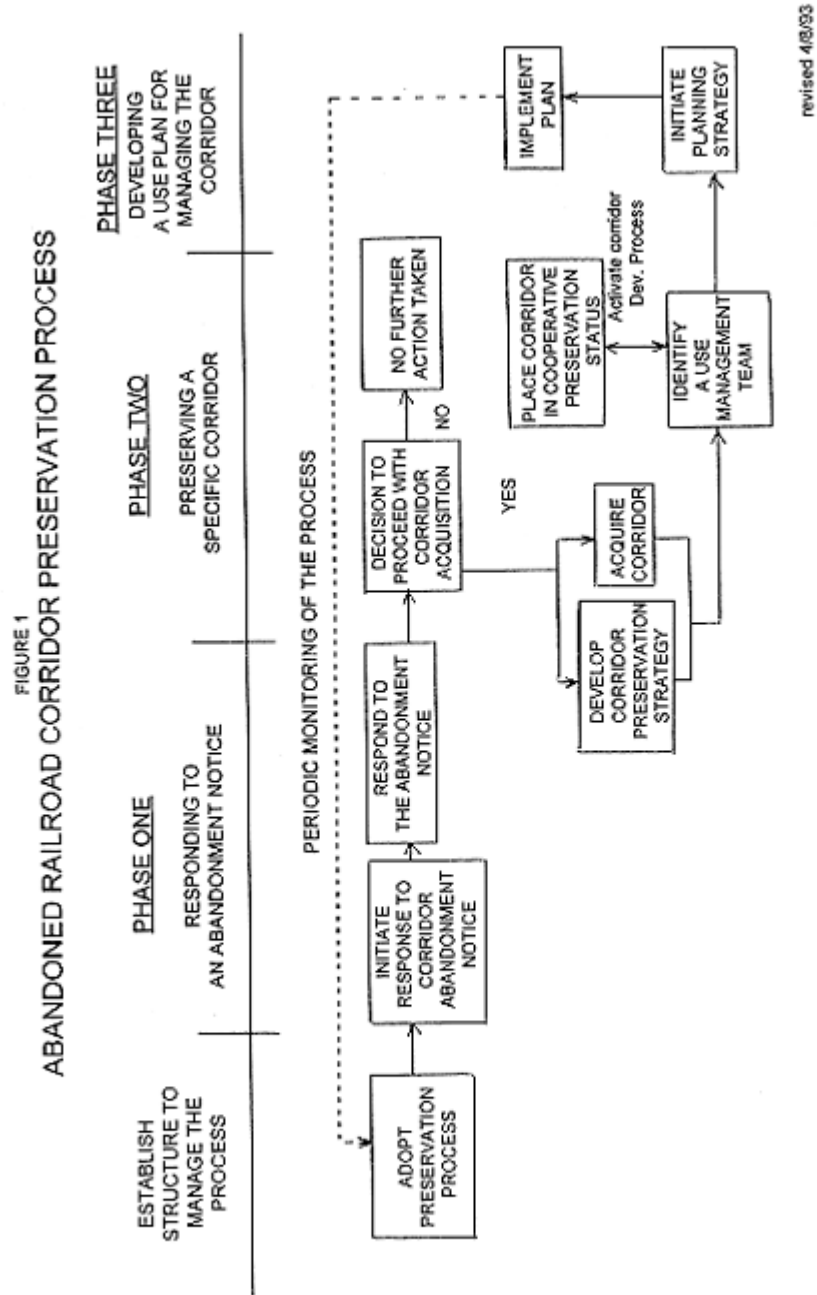
**Objective:** To reach consensus on the best public uses for the corridor at the present time.

**Who:** Lead agency in collaboration with the Development and Use Management Team will:

**Actions**

- Identify permitted corridor uses.
- Analyze compatibility issues in light of the revised list of potential public use options and mediate conflict between uses.
- Develop alternatives and select the most appropriate one(s).
- Develop a corridor plan consistent with the objectives for the corridor.
- Document a joint powers approach to corridor funding and development, resource management, and maintenance of planned developments.
- Determine a process for establishing rules and regulations and who shall enforce them.
- Implement the plan (JUST DO IT!).
- Implement use.
- Reevaluate corridor utilization options periodically or as needed. (REMEMBER, ALL USES ARE INTERIM!)

FIGURE 1  
ABANDONED RAILROAD CORRIDOR PRESERVATION PROCESS



revised 4/8/93

MEMORANDUM OF UNDERSTANDING

MINNESOTA DEPARTMENT OF TRANSPORTATION  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES

ADDENDUM III  
BRIDGE SAFETY INSPECTIONS

The following memorandum of understanding between the Department of Natural Resources and the Minnesota Department of Transportation is agreed on to satisfy Minn. Statute 1998, Section 165.03, subd. 7 and federal requirements regarding the inspection of bridges owned, operated, or maintained by the Commissioner of Natural Resources.

The DNR agrees to develop an inventory and inspection program for its bridges on or over roads in accordance with Federal law or regulations and to submit inspection results to Mn/DOT each year on the forms developed and used by Mn/DOT for this purpose. Current Federal regulations require a 2 year inspection interval for bridges 20 feet in length and larger. The DNR can, as provided for under the code of Federal Regulations, section 23 Highways, Part 650.301, Application of Standards, request an extended bridge inspection interval for those bridges that are in good condition and have very low usage. All bridge inspections shall be by or under the supervision of a professional engineer or certified bridge inspector.

Mn/DOT agrees to provide technical assistance to the DNR in developing its bridge inventory and inspection program. This will include load rating bridges where necessary bridge data is obtained and provided by the DNR. Requests for technical assistance shall be in writing, shall describe the extent of assistance requested, and shall describe any agreement on cost reimbursement.

**Addition of Existing Agreements**

Both agencies have agreed that in order to make sure all agreements between Mn/DOT and DNR are identified and accessible, they should be added to an addendum to the MOU. To accomplish this, the DNR will develop a list of existing Memorandums of Understanding and Memorandums of Agreement between the two agencies. This list will be circulated to Mn/DOT district Offices for additions and corrections. A final list will be approved through signature by the Mn/DOT and DNR Commissioners and attached as an addendum to the MOU.

**Adding Addenda**

Additional addenda may be initiated within either agency for inclusion as part of the MOU. Staff identifying a need for an additional addendum should follow the format established for the original addenda. The proposed addendum must be reviewed by the affected division disciplines in the DNR and by affected Offices, Divisions, and Districts in Mn/DOT.

Staff proposing the addendum are responsible to insure that department wide review within each agency is accomplished. When review is completed, approval of the addendum for attachment to the MOU will be signified by the signature of the Commissioners from both agencies.

Addenda proposed for inclusion in the MOU must meet the following criteria:

1. Both Mn/DOT and DNR must identify the need for the proposed addendum and must see value in the issue.
2. A proposed addendum should address a procedure for completing specific tasks between the two agencies.
3. A proposed addendum should have broad statewide application rather than being limited to a particular DNR region or Mn/DOT District/Division.
4. A proposed addendum should be broad in scope: not limited to a specific project, but applicable to many projects or situations of a similar type or circumstance.
5. The proposed addenda should not be limited to a particular time period, but should be for a long range time frame.

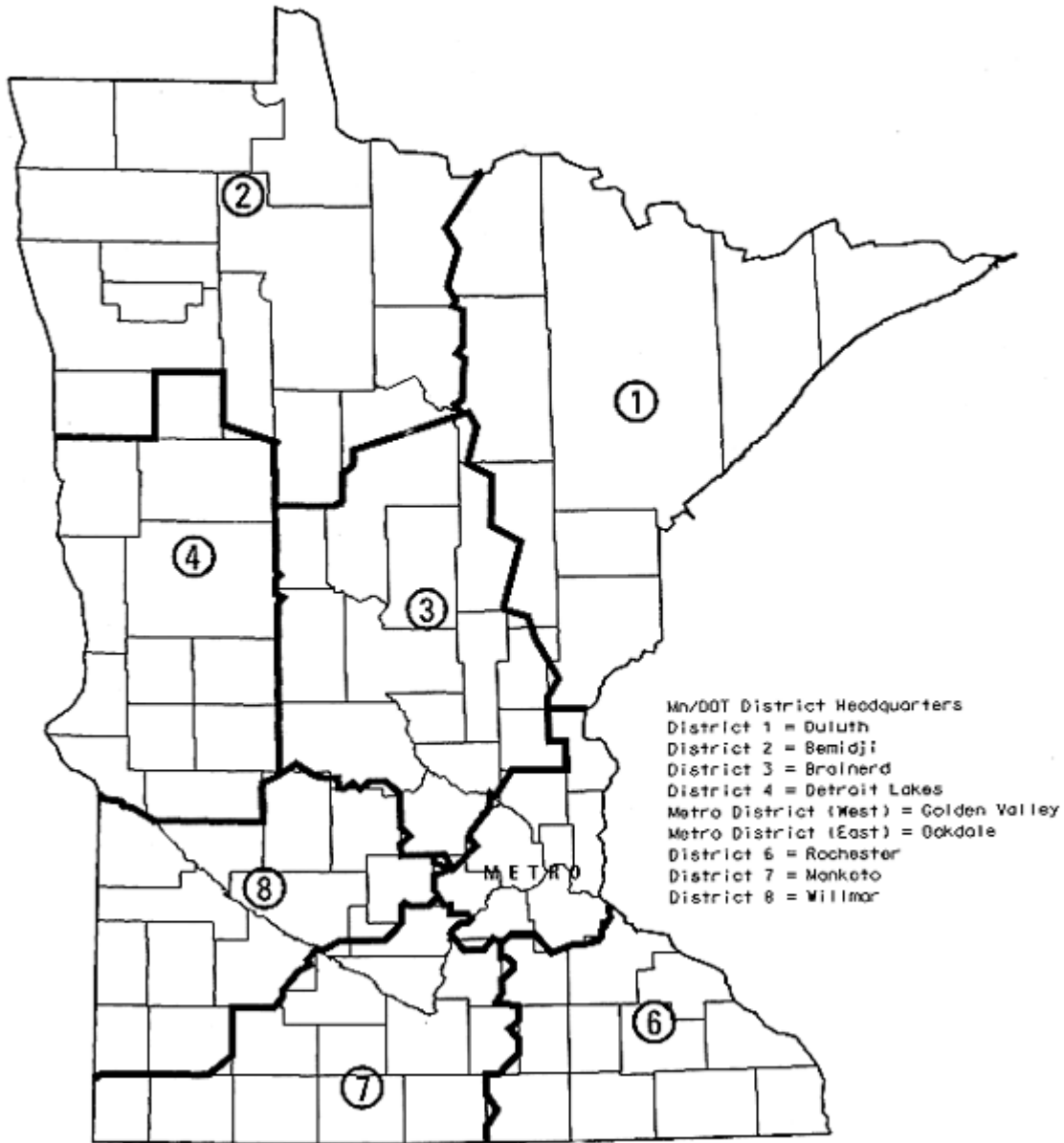
**Updates**

Staff designated by the Commissioners of Mn/DOT and DNR will conduct a review of the MOU every two years. The review will determine if procedures established in the MOU are working, if changes in the procedures are needed, or if additional procedures or clarifying language need to be added. The Implementation Guidelines will also be reviewed, The Implementation Guidelines may be changed earlier or more often if warranted by significant organizational or staff changes in either agency.

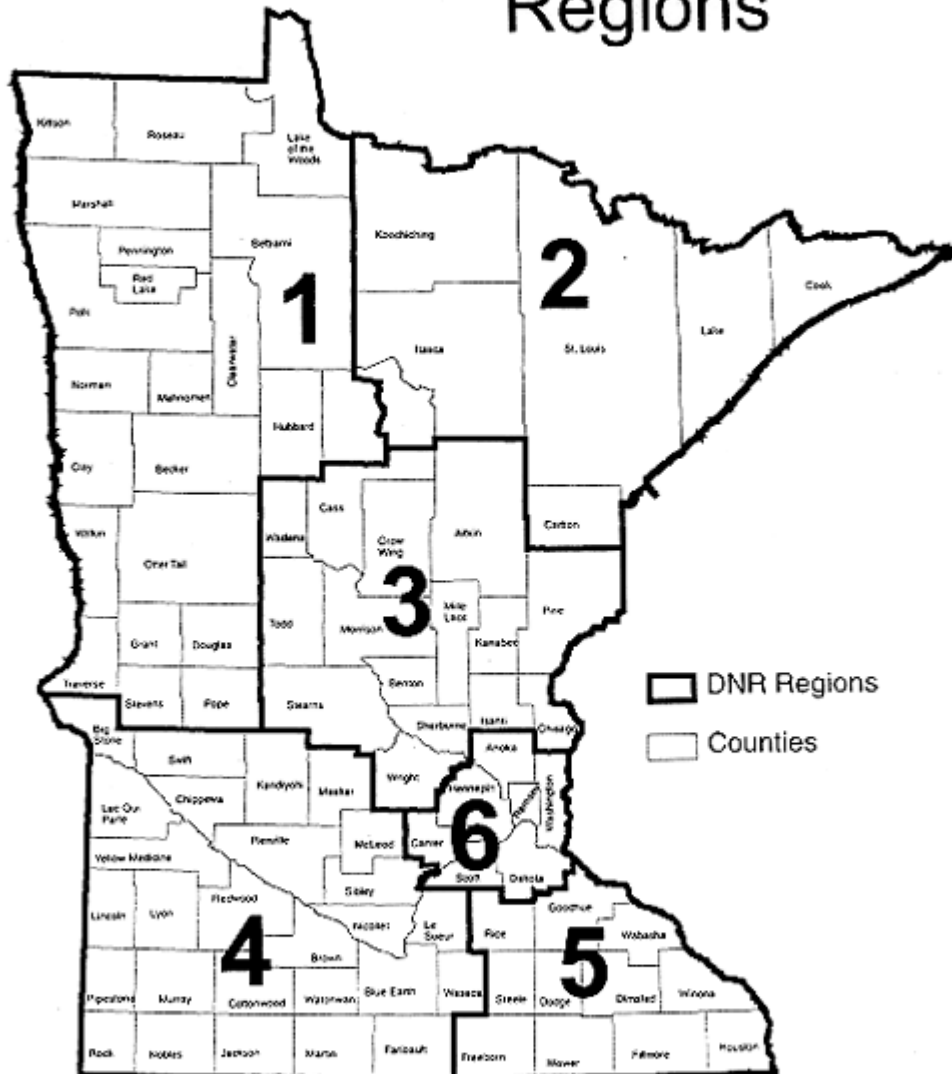
To determine this, staff will consult division disciplines within the DNR and Mn/DOT offices, and within DNR regions and Mn/DOT districts. Opportunity for discussion of proposed changes may be provided at the Mn/DOT and DNR annual meetings at the district/region level.

Proposed changes will be reviewed in both agencies and will be approved by the signatures of the Commissioners of each department.

DEPARTMENT OF TRANSPORTATION DISTRICTS



# DNR Administrative Regions



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