

18

OCT 23 1995

**DEPARTMENT OF TRANSPORTATION
PROPOSED PERMANENT RULES RELATING TO
BRIDGE INSPECTION REQUIREMENTS
STATEMENT OF NEED AND REASONABLENESS**

The Commissioner of Transportation presents facts showing the need for and reasonableness of the proposed rules governing frequency of bridge inspections and inventories

INTRODUCTION

The Commissioner of Transportation (Commissioner), under Minnesota Statutes, section 165.03, Subdivision 2 (1994), proposes to adopt rules to allow bridge inspections to be performed at an interval of more than one year, not to exceed two years, with the approval of the Commissioner. The proposed rules will also reference the ability of local authorities to electronically update the structure inventory sheet data. Minnesota Statutes, Section 165.03, subdivision 2, grants the Commissioner the authority to promulgate rules governing the bridge inspection program.

The change in inspection frequency is being made to correspond to a recent change in the governing statute. Only these changes and the electronic updating of the inventory sheet are proposed.

SMALL BUSINESS CONSIDERATIONS

In proposing these rules, the Commissioner has considered the provisions of Minnesota Statutes, section 14.115, relating to the impact of the proposed rules on small business. This proposed addition to the rules will have no impact on small businesses.

EXPENDITURE OF PUBLIC MONEY BY LOCAL PUBLIC BODIES

The adoption of these proposed rules will not require any additional expenditure of money by local agencies.

PART BY PART STATEMENT OF NEED AND REASONABLENESS

8810.9400, Subpart 1. INSPECTION

This subpart requires inspections to be performed on bridges, and describes the frequency at which these inspections must occur. In the existing rules, inspections must be performed annually. The proposed rules require the inspection to be performed annually, "unless a longer interval, not to exceed two years, is authorized by the commissioner".

Minnesota Department of Transportation
Statement of Need and Reasonableness
Minnesota Rules Chapter 8810

This change is needed to make the rules compatible with Minnesota Statutes, section 165.03, subdivision 2, which was revised by the legislature in 1994. Before the law was revised, subdivision 2 did not specify an interval for inspections to be performed. An annual inspection was required by these rules, however, which were adopted under the authority of this subdivision.

Minnesota Statutes, section 165.03, subdivision 2, as amended, now reads:

"Bridge inspections shall be made at regular intervals, not to exceed two years, by the following officials..."

Minnesota Statutes, section 165.03, subdivision 2 was revised to allow greater intervals between inspections for certain bridges which do not deteriorate noticeably within a one year time interval. For example, a new bridge might take several years to show significant deterioration, and thus, could be adequately monitored with biennial inspections. Some bridges, however, may need annual inspections, such as older bridges showing signs of advanced deterioration. These bridges may need to be closed to traffic.

This modification to the rules is needed to clarify the existing rules, and to make them consistent with current law (Minnesota Statutes, section 165.03, subdivision 2).

This modification is reasonable because it promotes understanding in the reader and aids in the compliance with the rules. This modification is also reasonable because it reduces unnecessary inspections, which will reduce the workload and financial burden for local agencies.

The rules were also modified by the adding criteria that the Commissioner will use to determine whether or not to authorize a bridge for biennial inspections. The rules state, "the commissioner's authorization shall be based upon factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge".

Age and condition are one of the criteria for determining the frequency of inspections. As age increases, condition worsens. As the condition worsens, the possibility of bridge failures increase, and thus more frequent inspections are necessary. The age and condition of a bridge at which inspection frequency should be increased will vary depending on the type of bridge structure. The type of bridge structure is another factor listed.

The rate at which a bridge is deteriorating is also a factor. A bridge that has shown no sign of deterioration over several inspections does not need to be inspected as frequently as a bridge showing rapid deterioration from one inspection to the next.

The fourth criterion is the susceptibility of a bridge to failure. This susceptibility may include a number of considerations related to the type of structure, the nature of the deterioration, the erodibility of the stream bed and banks below the bridge, etc.

The final criterion listed is the characteristics of traffic on a bridge. Bridge deterioration, damage, and failure is brought about partly by wear resulting from traffic on the structure. A bridge subjected to high volumes or heavy traffic is of greater concern than a bridge that carries a few light vehicles.

The addition of these factors is necessary so that the reader (local agencies) will understand what types of bridges will be governed by these rules. This modification is also necessary so that the Commissioner has guidance on factors to be considered in granting authorization.

This modification is reasonable because it ensures that inspection intervals for bridges will be applied uniformly. This modification ensures that the Commissioner will not exercise unfettered discretion in determining inspection intervals for bridges in Minnesota. This modification is also reasonable because it states the criteria that will be used to determine if a bridge will be inspected annually or at longer intervals. This modification promotes understanding in the reader and aids in the compliance with these rules.

8810.9700 UPDATING REPORTS

This part describes requirements for reporting the results of bridge inspections and inventory data. The current rule says "each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure sheet form...". As per this part, results of bridge inspections and inventory data are submitted to the Commissioner by highway authorities on paper copy structure inventory forms.

This part has been modified to read as follows:

Each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure sheet form or submit an electronic update...

Minnesota Department of Transportation
Statement of Need and Reasonableness
Minnesota Rules Chapter 8810

As modified, this part allows the structure inventory form to be updated by submitting current data and information electronically through the use of computers or other electronic data communication methods. Electronic data communication equipment has been provided by the Department's State Aid Division to all highway authorities required to submit inventory forms.

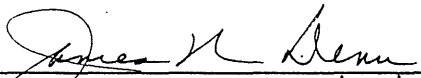
This modification is necessary so that the capabilities of current technology are not inadvertently prohibited by the rules. This modification is also needed so that the rules can reflect the current, existing practice for submitting bridge inventory data. This modification keeps the rules current and up-to-date.

This modification is reasonable because the electronic transfer of data is faster and more efficient than handling paper reports. This electronic data transfer will reduce the administrative burden on local agencies and thus will aid in the compliance with these rules.

CONCLUSION

The modifications made to these rules are needed to update the rules so that they conform to legislative changes made to Minnesota Statutes, section 165.03, subdivision 2. These modifications are also needed to reflect the current technology that exists and the current practice of submitting updates to the bridge structure inventory through electronic means. These modifications improve the accuracy and integrity of the rules. These modifications aid in the compliance with these rules.

DATE: 10-10-95


James N. Denn, Commissioner
Department of Transportation