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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2014

03/18/2015 Authored by Petersburg

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to transportation; providing for appeal process for denial or revocation
1.3 of driveway permit by commissioner of transportation; amending Minnesota
1.4 Statutes 2014, section 160.18, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 160.18, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 4. **Appeal.** (a) The denial or revocation of a driveway permit under
1.9 subdivision 3 by the commissioner of transportation may be appealed under the provisions
1.10 of the Administrative Procedure Act relating to contested cases. Upon receipt of an
1.11 appeal by an individual, the commissioner shall, before issuing the order and notice
1.12 of a contested case hearing required by chapter 14, try to resolve the dispute through
1.13 conference or conciliation. If the parties consent, the commissioner may refer the matter
1.14 to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue
1.15 the order and notice of hearing.

1.16 (b) In an appeal of a driveway permit denial or revocation under subdivision 3, the
1.17 commissioner of transportation has the burden of proof, by clear and convincing evidence,
1.18 to show that the denial or revocation of the permit is necessary to prevent interference
1.19 with the construction, maintenance, and safe use of the highway and its appurtenances.