

8820.3300 VARIANCE.

Subpart 1. **Written requests.** A formal request by a political subdivision for a variance from this chapter must:

- A. be submitted to the commissioner in writing in the form of a resolution;
- B. identify the project by location and termini; and
- C. cite the specific part or standard for which the variance is requested and describe the modification proposed.

Subp. 1a. **Additional information.** Additional information needed:

- A. index map;
- B. typical section:
 - (1) inplace section;
 - (2) proposed section;
- C. reasons for the request;
- D. the economic, social, safety, and environmental impacts which may result from the requested variance;
- E. effectiveness of the project in eliminating an existing and projected deficiency in the transportation system;
- F. effect on adjacent lands;
- G. number of persons affected; and
- H. safety considerations as they apply to:
 - (1) pedestrians;
 - (2) bicyclists;
 - (3) motoring public; and
 - (4) fire, police, and emergency units.

Subp. 2. [Repealed, L 2013 c 127 s 71]

Subp. 3. **Decision.** The commissioner shall base the decision on the criteria in part 8820.3400, subpart 3 and shall notify the political subdivision in writing of the decision. The commissioner may require a resolution by the recipient of the variance that indemnifies, saves, and holds harmless the state and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The recipient of the variance shall further agree to defend at its sole cost

and expense any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of the variance.

Subp. 4. **Contested case hearing.** Any variance objected to in writing or denied by the commissioner is subject to a contested case hearing as required by law.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; L 1983 c 17*

History: *8 SR 2146; 15 SR 2596; 20 SR 1041; L 2005 1Sp6 s 107; L 2013 c 127 s 71*

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