



Minnesota Complete Streets Project Variance Process

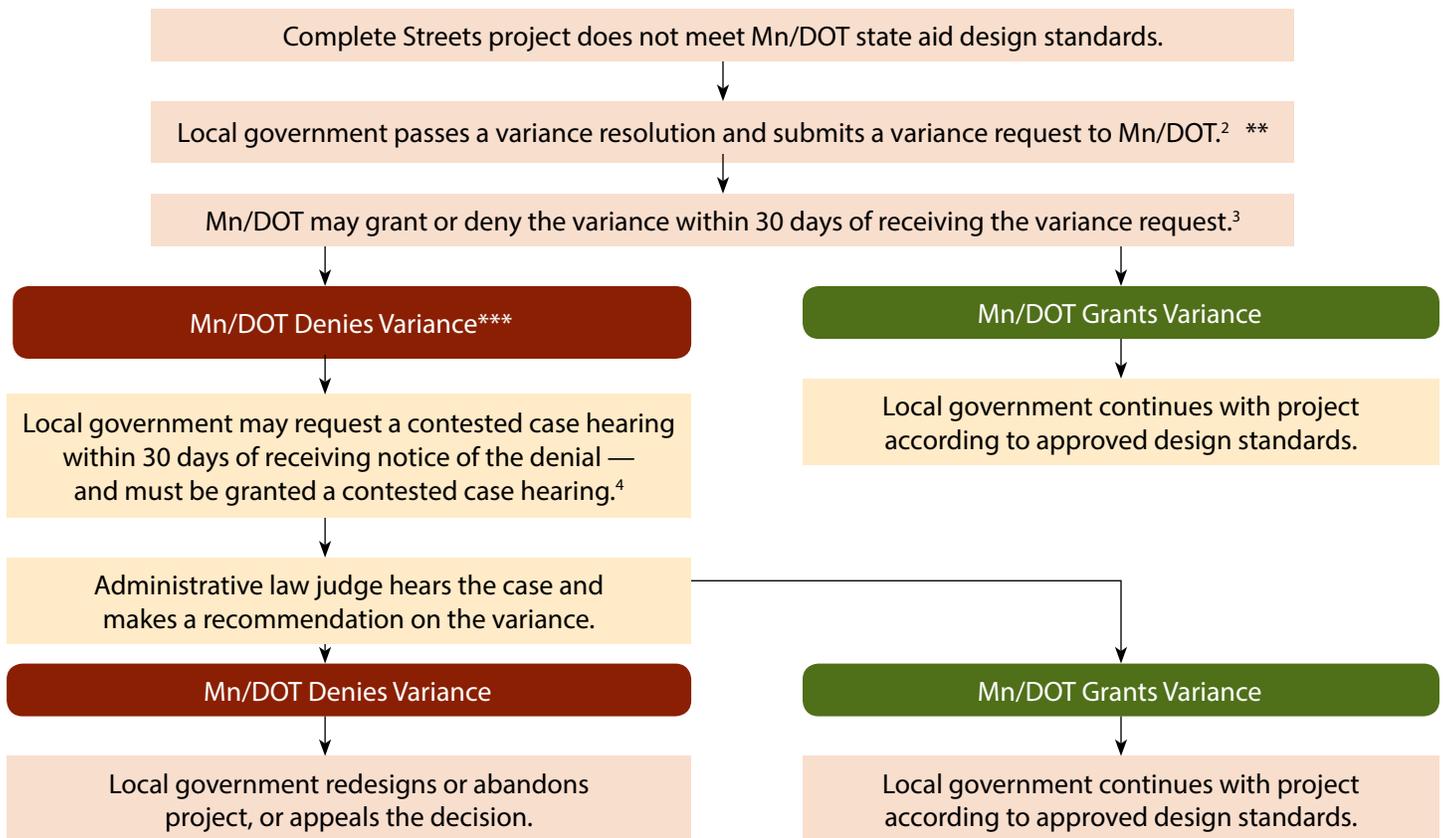
Minnesota's Complete Streets law allows a local government, including a county, city, town, or regional park authority, to request a variance from state aid design standards when using state funding for a local Complete Streets project. The law requires the Minnesota Department of Transportation (Mn/DOT) to evaluate all Complete Streets variance requests using specific Complete Streets guidance publications. The following flow-chart provides a basic overview of this state aid variance process.

Complete Streets

“Complete Streets” is the planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete Streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.¹



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**MnDOT may appoint a committee to investigate and determine a recommendation for each variance. Elected or appointed officials that represent a local government requesting a variance are not allowed to serve on the committee.⁵

In evaluating the Complete Streets project variance request, Mn/DOT and/or the committee is required to consider several things.⁶

First, Mn/DOT must consider the latest edition of:

- (1) *A Policy on Geometric Design of Highways and Streets, from the American Association of State Highway and Transportation Officials*; and
- (2) For projects in urban areas, the *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities, from the Institute of Transportation Engineers*.⁷

Second, Mn/DOT and/or the committee must consider the following factors:

- Economic, social, safety, and environmental impacts which may result from the requested variance;
- Effectiveness of the project in eliminating an existing and projected deficiency in the transportation system;
- Effect on surrounding lands;
- Number of persons affected;
- Effect on future maintenance;
- Safety considerations as they apply to pedestrians, bicyclists, motoring public, and fire, police, and emergency units; and
- Effect that the design standards may have in imposing an undue burden on a local government.⁸

***Mn/DOT must provide written reasons for the denial to the local government.⁹

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Endnotes

- ¹ MINN. STAT. § 174.75, subd. 1.
- ² MINN. STAT. §§ 162.02, subd. 3a(b), 162.09, subd. 3a(b); Minn. R. 8820.3300. *See also State Aid for Local Transportation, Design Element Variance Justification Checklist*, MINN. DEPT OF TRANSP. (revised Aug. 2011), available at <http://www.dot.state.mn.us/stateaid/ProjDeliv/Plans/DesignElementVarianceJustificationChecklist-a212.pdf>.
- ³ MINN. STAT. §§ 162.02, subd. 3a, 162.09, subd. 3a.
- ⁴ MINN. STAT. §§ 162.02, subd. 3a(b), 162.09, subd. 3a(b); MINN. R. 8820.3300, subp. 4. *See also* MINN. STAT. §§ 14.57- .62.
- ⁵ MINN. R. 8820.3400, subp. 1.
- ⁶ *See* MINN. R. 8820.3300, subp. 3, 8820.3400, subp. 3.
- ⁷ MINN. STAT. § 174.75, subd. 5(a).
- ⁸ MINN. R. 8820.3300, subp. 3, 8820.3400, subp. 3.
- ⁹ MINN. STAT. § 174.75, subd. 5(b); MINN. R. 8820.3300, subp. 3.