MN/DOT
VARIANCE PROCESS

November 2010

Minnesota’s recently enacted Complete Streets policy ensures that a local government can request a variance when asking for state funding for a Complete Streets project. The legislation requires Minnesota Department of Transportation (Mn/DOT) to evaluate all Complete Streets’ variance requests using specific Complete Streets guidance publications. The following flowchart provides a basic overview of the Mn/DOT State-Aid variance process.

Complete Streets project does not meet Mn/DOT State-Aid Design Standards

Political subdivision passes variance resolution and submits request to Mn/DOT Commissioner

Mn/DOT notifies all interested parties and publishes proposed variance in the State Register

Outside party objects to proposed variance

7 day public comment period

No outside party objects to proposed variance

Variance may not be granted until contested case hearing is held

Administrative law judge makes recommendation on variance

Mn/DOT Commissioner denies variance

Mn/DOT Commissioner grants variance

Project redesigned or abandoned, or decision appealed

Variance advisory committee of city and county engineers hears variance request and submits recommendation to Mn/DOT Commissioner

Commissioner grants variance

Commissioner denies variance

Municipality requests contested case hearing within 30 days of receiving notice of variance denial

Project redesigned or abandoned
The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

1 MINN. STAT. § 162.02, subd. 3a; MINN. STAT. § 162.09, subd. 3a; MINN. R. 8820.3300, subp. 1; see also MINN. DEPT OF TRANSP., DESIGN ELEMENT VARIANCE JUSTIFICATION CHECKLIST (2010), available at http://www.dot.state.mn.us/stateaid/ProjDeliv/Plans/DesignElementVarianceJustificationChecklist-a212.pdf.
2 MINN. STAT. § 162.02, subd. 3a; MINN. STAT. § 162.09, subd. 3b; MINN. R. 8820.3300, subp. 2.
3 MINN. STAT. § 162.02, subd. 3a; MINN. STAT. § 162.09, subd. 3b; MINN. R. 8820.3300, subp. 4.
4 MINN. R. 8820.3400, subp. 3 & 4.
5 MINN. R. 8820.3300, subp. 3
6 MINN. STAT. § 162.02., subd. 3a; MINN. STAT. § 162.09, subd. 3b; MINN. R. 8820.3300, subp. 4.