

Senator Xiong from the Committee on State and Local Government, to which was re-referred

S.F. No. 2162: A bill for an act relating to transportation; modifying state-aid engineering and design standards variances; authorizing local road authorities to adopt design elements without state-aid engineering and design variances; modifying state-aid variance procedures; establishing advisory committee on design variances; requiring legislative notification for denied variances; requiring a report; amending Minnesota Statutes 2024, sections 162.02, subdivision 3a, by adding subdivisions; 162.09, subdivision 3a, by adding subdivisions; 162.155; proposing coding for new law in Minnesota Statutes, chapter 162; repealing Minnesota Rules, parts 8820.3300, subparts 1, 1a, 3, 4; 8820.3400.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2024, section 162.02, is amended by adding a subdivision to read:

Subd. 1a. **State-aid standards.** Design and engineering standards for all new construction, reconstruction, rehabilitation, or resurfacing county state-aid projects approved by the state-aid engineer are determined and set by the most recent edition of the Facility Design Guide or successor document established by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2025, for county state-aid roadway projects on or after that date.

Sec. 2. Minnesota Statutes 2024, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. **Variances from rules and engineering standards.** (a) The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner ~~shall~~ must comply with section 174.75, subdivision 5, in evaluating a variance request related to a complete streets project.

(b) The commissioner may grant or deny the variance within 30 days of receiving the variance request. If the variance is denied, the political subdivision may request, within 30 days of receiving notice of denial, and ~~shall~~ must be granted a contested case hearing. The commissioner must use the criteria set forth in subdivision 3c to evaluate the variance request.

(c) If the commissioner denies a variance, the commissioner must notify the chairs and ranking minority members of the legislative committees with jurisdiction over transportation

and provide justification for denying the variance within 30 days of notifying the political subdivision of the denial. The justification must include the commissioner's reasoning for the denial, the recommendation of the advisory committee on variances, and the reasoning used by the committee to approve or deny the variance.

~~(e)~~ (d) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

(e) The commissioner must give special consideration to proposed modifications for:

(1) narrowing lanes from 11 feet to ten feet for roadways in an urban or suburban context;

(2) designs allowed by current Department of Transportation trunk highway standards for roadways of similar context;

(3) any design element intended to increase the safety of nonmotorized transportation to and from a school;

(4) any design element in a project funded by the safe routes to school program, except where specifically prohibited in the current Department of Transportation Facility Design Guide; or

(5) a variance request that specifically states the proposed design modification is based on the following alternative design manuals:

(i) the American Association of State Highway and Transportation Officials' (AASHTO) A Policy on Geometric Design Highways and Streets or other AASHTO design guides formally recognized by the Federal Highway Administration;

(ii) the Institute of Transportation Engineers' Designing Walkable Urban Thoroughfares: A Context Sensitive Approach and Implementing Context Sensitive Design Handbook;

(iii) the National Association of City Transportation Officials' (NACTO) Urban Street Design Guide and other NACTO design guides formally recognized by the Federal Highway Administration;

(iv) the Global Designing Cities Initiative's (GDCI) Global Street Design Guide and Designing Streets for Kids supplement; or

(v) any other design guide recognized or approved by the Federal Highway Administration in United States Code, title 23, section 109(o)(B).

(f) Paragraph (e) does not apply to a natural preservation route established under section 162.021.

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2025, for county state-aid roadway
3.2 projects on or after that date.

3.3 Sec. 3. Minnesota Statutes 2024, section 162.02, is amended by adding a subdivision to
3.4 read:

3.5 Subd. 3c. **Variance format.** To submit a formal request for a variance from applicable
3.6 design standards under subdivision 1a, a political subdivision must submit a written request
3.7 to the commissioner. The written request must be in the form of an adopted resolution. The
3.8 request must:

3.9 (1) identify the project by location and termini;

3.10 (2) cite the specific part or standard for which the variance is requested from county
3.11 state-aid design rules;

3.12 (3) describe the proposed modification and include technical information about the
3.13 design, including:

3.14 (i) an index map; and

3.15 (ii) a typical section with an inplace section and a proposed section;

3.16 (4) describe the economic, social, safety, and environmental impacts that may result
3.17 from the requested variance;

3.18 (5) identify the project's effectiveness in eliminating an existing and projected deficiency
3.19 in the transportation system, including identifying and citing whether the existing roadway's
3.20 design meets a recognized or approved Federal Highway Administration design guide
3.21 standard for a similar road context;

3.22 (6) identify effects on adjacent lands;

3.23 (7) identify the number of persons affected; and

3.24 (8) identify relevant safety considerations as they apply to:

3.25 (i) pedestrians;

3.26 (ii) bicyclists;

3.27 (iii) vulnerable road users;

3.28 (iv) the motoring public; and

3.29 (v) fire, police, and emergency service providers.

4.1 **EFFECTIVE DATE.** This section is effective July 1, 2025, for county state-aid roadway
4.2 projects on or after that date.

4.3 Sec. 4. Minnesota Statutes 2024, section 162.09, is amended by adding a subdivision to
4.4 read:

4.5 Subd. 1a. **State-aid standards.** Design and engineering standards for all new construction,
4.6 reconstruction, rehabilitation, or resurfacing municipal state-aid projects approved by the
4.7 state-aid engineer are determined and set by the most recent edition of the Facility Design
4.8 Guide or successor document established by the commissioner.

4.9 **EFFECTIVE DATE.** This section is effective July 1, 2025, for municipal state-aid
4.10 roadway projects on or after that date.

4.11 Sec. 5. Minnesota Statutes 2024, section 162.09, subdivision 3a, is amended to read:

4.12 Subd. 3a. **Variances from rules and engineering standards.** (a) The commissioner
4.13 may grant variances from the rules and from the engineering standards developed pursuant
4.14 to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street
4.15 is located or is proposed to be located may submit a written request to the commissioner
4.16 for a variance for that street. The commissioner ~~shall~~ must comply with section 174.75,
4.17 subdivision 5, in evaluating a variance request related to a complete streets project.

4.18 (b) The commissioner may grant or deny the variance within 30 days of receiving the
4.19 variance request. If the variance is denied, the political subdivision may request, within 30
4.20 days of receiving notice of denial, and ~~shall~~ must be granted a contested case hearing. The
4.21 commissioner must use the criteria set forth in subdivision 3b to evaluate the variance
4.22 request.

4.23 (c) If the commissioner denies a variance, the commissioner must notify the chairs and
4.24 ranking minority members of the legislative committees with jurisdiction over transportation
4.25 and provide justification for denying the variance within 30 days of notifying the political
4.26 subdivision of the denial. The justification must include the commissioner's reasoning for
4.27 the denial, the recommendation of the advisory committee on variances, and the reasoning
4.28 used by the committee to approve or deny the variance.

4.29 ~~(e)~~ (d) For purposes of this subdivision, "political subdivision" includes (1) an agency
4.30 of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

4.31 (e) The commissioner must give special consideration to proposed modifications for:

4.32 (1) narrowing lanes from 11 feet to ten feet for roadways in an urban or suburban context;

5.1 (2) designs allowed by current Department of Transportation trunk highway standards
5.2 for roadways of similar context;

5.3 (3) any design element intended to increase the safety of nonmotorized transportation
5.4 to and from a school;

5.5 (4) any design element in a project funded by the safe routes to school program, except
5.6 where specifically prohibited in the current Department of Transportation Facility Design
5.7 Guide; or

5.8 (5) a variance request that specifically states the proposed design modification is based
5.9 on the following alternative design manuals:

5.10 (i) the American Association of State Highway and Transportation Officials' (AASHTO)
5.11 A Policy on Geometric Design Highways and Streets or other AASHTO design guides
5.12 formally recognized by the Federal Highway Administration;

5.13 (ii) the Institute of Transportation Engineers' Designing Walkable Urban Thoroughfares:
5.14 A Context Sensitive Approach and Implementing Context Sensitive Design Handbook;

5.15 (iii) the National Association of City Transportation Officials' (NACTO) Urban Street
5.16 Design Guide and other NACTO design guides formally recognized by the Federal Highway
5.17 Administration;

5.18 (iv) the Global Designing Cities Initiative's (GDCI) Global Street Design Guide and
5.19 Designing Streets for Kids supplement; or

5.20 (v) any other design guide recognized or approved by the Federal Highway
5.21 Administration in United States Code, title 23, section 109(o)(B).

5.22 **EFFECTIVE DATE.** This section is effective July 1, 2025, for municipal state-aid
5.23 roadway projects on or after that date.

5.24 Sec. 6. Minnesota Statutes 2024, section 162.09, is amended by adding a subdivision to
5.25 read:

5.26 Subd. 3b. **Variance format.** To submit a formal request for a variance from municipal
5.27 state-aid design rules, a political subdivision must submit a written request to the
5.28 commissioner. The written request must be in the form of an adopted resolution. The request
5.29 must:

5.30 (1) identify the project by location and termini;

(2) cite the specific part or standard for which the variance is requested from municipal state-aid design rules;

(3) describe the proposed modification and include technical information about the design, including:

(i) an index map; and

(ii) a typical section with an inplace section and a proposed section;

(4) describe the economic, social, safety, and environmental impacts that may result from the requested variance;

(5) identify the effectiveness of the project in eliminating an existing and projected deficiency in the transportation system, including identifying and citing whether the existing roadway's design meets a recognized or approved Federal Highway Administration design guide standard for a similar road context;

(6) identify effects on adjacent lands;

(7) identify the number of persons affected; and

(8) identify relevant safety considerations as they apply to:

(i) pedestrians;

(ii) bicyclists;

(iii) vulnerable road users;

(iv) the motoring public; and

(v) fire, police, and emergency service providers.

EFFECTIVE DATE. This section is effective July 1, 2025, for municipal state-aid roadway projects on or after that date.

Sec. 7. **[162.095] ADVISORY COMMITTEE ON DESIGN VARIANCES.**

Subdivision 1. **Establishment.** An advisory committee on design variances is established to investigate and determine a recommendation for each variance submitted under sections 162.02, subdivision 3a, and 162.09, subdivision 3a.

Subd. 2. **Membership.** (a) The advisory committee on design variances called by the commissioner under subdivision 3 must consist of the following members:

(1) not more than two county highway engineers, only one of whom may be from a county containing a city of the first class;

7.1 (2) not more than two city engineers, only one of whom may be from a city of the first
7.2 class;

7.3 (3) not more than two county officials, only one of whom may be from a county
7.4 containing a city of the first class;

7.5 (4) not more than two officials of an urban municipality, only one of whom may be from
7.6 a city of the first class;

7.7 (5) not more than two representatives of the Office of Transit and Active Transportation
7.8 in the Department of Transportation, one of whom must be an engineer; and

7.9 (6) one representative from the State Aid for Local Transportation Office in the
7.10 Department of Transportation with experience in project design and the safety factors
7.11 specified in sections 162.02, subdivision 3c, and 162.09, subdivision 3b.

7.12 (b) No elected or appointed official that represents a political subdivision may serve on
7.13 the committee.

7.14 (c) The committee must have at least one member but not more than 12 members from
7.15 a metropolitan area as defined in section 473.121, subdivision 2, as well as cities with a
7.16 population over 50,000 according to the most recent federal census.

7.17 Subd. 3. **Operating procedure; open meeting law.** (a) The advisory committee must
7.18 meet at the call of the commissioner, at which time the committee must be instructed as to
7.19 the committee's responsibilities by a designee of the commissioner. The members of the
7.20 advisory committee must elect a chair from the members of the group at the initial meeting
7.21 and may set bylaws and procedures to investigate the requested variance.

7.22 (b) An advisory committee organized under this section is subject to the Minnesota Open
7.23 Meeting Law under chapter 13D.

7.24 Subd. 4. **Factors considered.** The advisory committee must make a recommendation
7.25 for a variance based on criteria set forth in sections 162.02, subdivision 3c, and 162.09,
7.26 subdivision 3b. The advisory committee must give special consideration to safety if the
7.27 proposed project design is intended to increase the safety of nonmotorized transportation
7.28 to and from a school.

7.29 Subd. 5. **Recommendation.** After considering all data pertinent to the requested variance,
7.30 the advisory committee must recommend to the commissioner approval or denial of the
7.31 request. If the committee denies the variance, the committee must provide specific reasoning
7.32 for the denial and identify the design standard used to evaluate the denial.

8.1 Subd. 6. **Administration.** Upon request of the advisory committee, the commissioner
8.2 must provide meeting space, technical support, and administrative services for the group.

8.3 Subd. 7. **Legislative report.** By January 15 of each even-numbered year, the
8.4 commissioner of transportation must submit a report to the chairs and ranking minority
8.5 members of the legislative committees with jurisdiction over transportation policy and
8.6 finance. The report must summarize the activities of any advisory committee on variances
8.7 from the prior two years, identify the committees' analysis and findings for each variance
8.8 approved or denied, identify whether the commissioner and the advisory committee came
8.9 to a different decision on a requested variance and identify the reasons for the difference,
8.10 and provide recommendations on improvements to the advisory committee.

8.11 **EFFECTIVE DATE.** This section is effective July 1, 2025, for state-aid design variances
8.12 sought on or after that date.

8.13 Sec. 8. Minnesota Statutes 2024, section 162.155, is amended to read:

8.14 **162.155 RULEMAKING.**

8.15 ~~(a) The commissioner shall adopt rules setting forth the criteria to be considered by the~~
8.16 ~~commissioner in evaluating requests for variances under sections 162.02, subdivision 3a~~
8.17 ~~and 162.09, subdivision 3a. The rules must include, but are not limited to, economic,~~
8.18 ~~engineering and safety guidelines.~~

8.19 ~~(b)~~ (a) The commissioner shall adopt rules establishing the engineering standards for
8.20 cost estimation under sections 162.07, subdivision 2, and 162.13, subdivision 2.

8.21 ~~(c)~~ (b) The rules adopted by the commissioner under this section, and sections 162.02;
8.22 162.07, subdivision 2; 162.09; and 162.13, subdivision 2, are exempt from the rulemaking
8.23 provisions of chapter 14. The rules are subject to section 14.386, except that, notwithstanding
8.24 paragraph (b) of that section, the rules continue in effect until repealed or superseded by
8.25 other law or rule.

8.26 Sec. 9. Minnesota Statutes 2024, section 171.306, subdivision 8, is amended to read:

8.27 Subd. 8. **Rulemaking.** ~~In establishing~~ The commissioner must adopt the performance
8.28 standards and certification process of subdivision 2; and the program guidelines of
8.29 subdivision 3; as rules and any other rules necessary to implement this section, ~~the~~
8.30 ~~commissioner~~ is subject to chapter 14.

8.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 10. **REPEALER.**

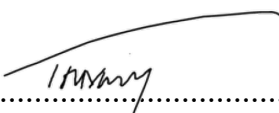
Minnesota Rules, parts 8820.2500; 8820.3300, subparts 1, 1a, 3, and 4; 8820.3400; 8820.9926; 8820.9936; 8820.9946; 8820.9956; and 8820.9995, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2025, for new state-aid roadway projects designed, constructed, reconstructed, rehabilitated, or resurfaced on or after that date."

Delete the title and insert:

"A bill for an act
relating to transportation; modifying state-aid engineering and design standards
variances; authorizing local road authorities to adopt design elements without
state-aid engineering and design variances; modifying state-aid variance procedures;
establishing advisory committee on design variances; requiring legislative
notification for denied variances; requiring the adoption of rules relating to the
ignition interlock program; requiring a report; amending Minnesota Statutes 2024,
sections 162.02, subdivision 3a, by adding subdivisions; 162.09, subdivision 3a,
by adding subdivisions; 162.155; 171.306, subdivision 8; proposing coding for
new law in Minnesota Statutes, chapter 162; repealing Minnesota Rules, parts
8820.2500; 8820.3300, subparts 1, 1a, 3, 4; 8820.3400; 8820.9926; 8820.9936;
8820.9946; 8820.9956; 8820.9995."

And when so amended the bill do pass and be re-referred to the Committee on
Transportation. Amendments adopted. Report adopted.


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(Committee Chair)

April 8, 2025.....
(Date of Committee recommendation)