

S.F. No. 2162 – State-aid engineering and design standard variances modification (as proposed to be amended by SCS2162A-1 amendment)

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Date: March 11, 2025

S.F. 2162 amends a variety of provisions related to state-aid engineering design standards and the process by which a local road authority may request a variance from those standards.

Sections 1 and 4 [Local design control] authorizes a political subdivision to use a road design standard that is different than adopted state-aid engineering rules if the political subdivision adopts a qualifying alternative roadway design. Specifies qualifying alternative roadway designs. Requires the commissioner to forgo the review of geometric designs made under the qualifying alternative roadway design standard. Prohibits the department of transportation (MnDOT) or any metropolitan planning organization from requiring a community to adopt state-aid design standards. Authorizes the commissioner to require a political subdivision to adopt an indemnification resolution for purposes of adopting the alternative roadway design.

Sections 2 and 5 [Variances from rules and engineering standards] amends the process by which the commissioner of transportation grants variances from state-aid design standards. A political subdivision is not required to seek a variance if the proposed deviation is designed in accordance with a qualifying alternative roadway design standard established under **section 1**. Provides that a variance request must be given special consideration if the requested modification is for safety considerations or increases nonmotorized transportation access to and from a school. Creates legislative notification requirements for the denial of variances. Specifies certain project designs are not required to seek a variance if adopted by a political subdivision. Authorizes the commissioner to require a political subdivision to adopt an indemnification resolution for purposes of adopting the alternative roadway design.

Sections 3 and 6 [Variance format] codifies the existing format for the request of a variance from state-aid design rules. This specification is currently in **Minnesota Rules, chapter 8820**.

Section 7 [Advisory Committee on Design Variances] codifies the existing advisory committee on design variances with a variety of modifications. This committee is currently organized in **Minnesota Rules, chapter 8820**.

Subdivision 1 establishes the advisory committee for variances submitted under county state-aid and municipal state-aid standards.

Subdivision 2 provides membership of the advisory committee to include legislative members, city and county engineers, city and county officials, representatives from the Office of Transit and Active Transportation and the State Aid for Local Transportation Office in MnDOT.

Subdivision 3 establishes the operating procedure for the advisory committee and provides that meetings are subject to the Minnesota Open Meeting Law.

Subdivision 4 specifies the criteria the advisory committee must use when evaluating a variance request. Requires the committee to give special consideration for proposed project designs that give special consideration to safety of nonmotorized transportation. Prohibits a denial based on a project seeking a lane width narrowing from 11 feet to 10 feet except where specifically prohibited.

Subdivision 5 requires specific reasoning for a denial of a variance and identification of the design standard used to evaluate the recommendation.

Subdivision 6 requires the commissioner to provide administrative support to the advisory committee.

Subdivision 7 requires a legislative report that summarizes the activities of any advisory committee on variances.

Sections 8 and 9 [Rulemaking; Repealer] repeals Rules governing variance request format requirements and advisory committees on variances and makes a technical change to the commissioner's statutory rulemaking authority under this chapter.



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