

8830.5860 ADMINISTERING STATE RAIL BANK PROGRAM; VARIANCES.

Subpart 1. **Information for project or other use.** The entity proposing a utilization project or other use of rail property shall provide the commissioner with pertinent information necessary to achieve proper evaluation and adequate administration of a project or other use. The information must include financial, commodity, cost and operations data, and other similar types of data and information.

Subp. 2. **Contracts.** Executed written contracts must be the documents used to commit funds, to implement utilization projects, and to authorize other uses of rail bank property.

Subp. 3. **Variance.** The commissioner may approve a written request for a variance from parts 8830.5810 to 8830.5860. A variance will be granted if:

A. the purpose of the rule in question can be accomplished or exceeded by the specific alternate practice proposed for substitution;

B. the application of the rule in question would impose an excessive burden on the person or entity applying for the variance in its attempt to carry out the intent of the rail bank program; and

C. the granting of the variance will not adversely affect the public health and safety.

The commissioner shall set forth in writing the reasons for approving or denying a variance. The entity who is granted a variance shall comply with the alternative practice approved by the commissioner. The person or entity who is granted a variance shall immediately notify the commissioner of any material change in the circumstances that justified granting the variance.

A variance may be revoked if changes occur in the circumstances that justified the variance, or if the entity granted the variance fails to comply with the alternative practice approved by the commissioner.

Statutory Authority: *MS s 218.071; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.63*

History: *23 SR 524*

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