**Section 530.130 Variances**

a) Request for Variance

 Requests for utility occupancies that would not conform to this Part will be considered individually. Variance from this Part may be granted where terrain features or other conditions such as an irregular right-of-way line make compliance impractical or unreasonable. A variance will not be granted when such action may tend to diminish the value of the highway to the traveling public or to disadvantage unduly other (including future) utility use.

b) Existing installations that met standards in force at the time of installation will be granted variances.

c) Review of Variances by Federal Highway Administration

 This Part has the approval of the Regional Administrator of the Federal Highway Administration insofar as federally-aided highways are concerned. However, any proposed utility installation on federally-aided highways that is not in compliance with the general provisions of this Part and permits involving longitudinal installations of private lines, are subject to review by the Federal Highway Administration.

d) Other variances. A variance from any other provision of this Part shall be granted if it is proved that no harm, cost, or inconvenience will result to the Deptartment, any highways under its jurisdiction, or the users of those highways.