

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1963

(SENATE AUTHORS: OSMEK)

DATE	D-PG	OFFICIAL STATUS
02/27/2014	5874	Introduction and first reading Referred to Transportation and Public Safety

1.1 A bill for an act
 1.2 relating to transportation; mass transit; amending municipal consent process for
 1.3 certain light rail transit projects; amending Minnesota Statutes 2012, sections
 1.4 473.399, subdivision 1; 473.3994, subdivisions 3, 4, 5, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 473.399, subdivision 1, is amended to read:

1.7 Subdivision 1. **General requirements.** (a) The council must identify in its
 1.8 transportation policy plan those heavily traveled corridors where development of a transit
 1.9 way may be feasible and cost-effective. Modes of providing service in a transit way may
 1.10 include bus rapid transit, light rail transit, commuter rail, or other available systems or
 1.11 technologies that improve transit service.

1.12 (b) After the completion of environmental studies and receipt of input from the
 1.13 governing body of each statutory and home rule charter city, county, and town in which a
 1.14 transit way is proposed to be constructed, the council must designate the locally preferred
 1.15 alternative transit mode with respect to the corridor.

1.16 (c) The council shall ensure that any light rail transit facilities that are designated as
 1.17 the locally preferred alternative and that are to be constructed in the metropolitan area will
 1.18 be acquired, developed, owned, and capable of operation in an efficient, cost-effective,
 1.19 and coordinated manner in coordination with buses and other transportation modes and
 1.20 facilities.

1.21 (d) Construction of light rail transit facilities in a particular transit corridor may not
 1.22 commence unless and until that mode is designated as the locally preferred alternative
 1.23 for that corridor by the council, and requirements under section 473.3994, subdivision
 1.24 5a, are met.

2.1 Sec. 2. Minnesota Statutes 2012, section 473.3994, subdivision 3, is amended to read:

2.2 Subd. 3. **Preliminary design plans; hearings and local approval.** ~~At least 30 days~~

2.3 (a) Before the hearing under subdivision 2, the responsible authority shall submit the
 2.4 physical design component of the preliminary design plans to the governing body of each
 2.5 statutory and home rule charter city, county, and town in which the route is proposed to be
 2.6 located. The Within 60 days of submission of the preliminary design plans, and following
 2.7 public notice of at least 30 days, each statutory and home rule charter city, county, or town
 2.8 shall hold a public hearing, at which the responsible authority shall present the physical
 2.9 design component of the preliminary design plans.

2.10 (b) Within ~~45 days after the hearing under subdivision 2~~ 90 days of a hearing
 2.11 under paragraph (a), the city, county, or town shall review and approve or disapprove the
 2.12 preliminary design plans for the route to be located in the city, county, or town in writing.
 2.13 A local unit of government that disapproves the plans shall describe specific amendments
 2.14 to the plans that, if adopted, would cause the local unit of government to withdraw its
 2.15 disapproval. Failure to approve or disapprove the plans in writing within ~~45 days after the~~
 2.16 hearing the time period is deemed to be approval, unless an extension of time is agreed to
 2.17 by the city, county, or town and the responsible authority.

2.18 (c) Following disapproval under this subdivision by one or more local units of
 2.19 government, the responsible authority shall (1) resubmit amended preliminary design
 2.20 plans, (2) prepare final design plans with amendments identified by the local unit of
 2.21 government, or (3) decide not to proceed with the project. Upon resubmission of amended
 2.22 preliminary design plans, each local unit of government shall follow the procedures under
 2.23 paragraphs (a) and (b).

2.24 Sec. 3. Minnesota Statutes 2012, section 473.3994, subdivision 4, is amended to read:

2.25 Subd. 4. **Preliminary design plans; council hearing and review.** If the governing
 2.26 body of one or more cities, counties, or towns disapproves the preliminary design plans
 2.27 within the period allowed under subdivision 3, the council ~~shall~~ may hold a hearing on
 2.28 the plans, giving the commissioner of transportation, if the responsible authority, any
 2.29 disapproving local governmental units, and other persons an opportunity to present their
 2.30 views on the plans. The council may conduct independent study as it deems desirable and
 2.31 may mediate and attempt to resolve disagreements about the plans. ~~Within 60 days after~~
 2.32 ~~the hearing, the council shall review the plans and shall decide what amendments to the~~
 2.33 ~~plans, if any, must be made to accommodate the objections presented by the disapproving~~
 2.34 ~~local governmental units. Amendments to the plans as decided by the council must be~~
 2.35 ~~made before continuing the planning and designing process.~~

3.1 Sec. 4. Minnesota Statutes 2012, section 473.3994, subdivision 5, is amended to read:

3.2 Subd. 5. **Final design plans; hearings and local approval.** (a) If any of the
3.3 following applies, the responsible authority shall submit the physical design component of
3.4 the final design plans to the governing body of each statutory and home rule charter city,
3.5 county, and town in which the route is proposed to be located:

3.6 (1) the final design plans incorporate a substantial change from the preliminary
3.7 design plans with respect to location, length, or termini of routes; general dimension,
3.8 elevation, or alignment of routes and crossings; location of tracks above ground, below
3.9 ground, or at ground level; or station locations, before beginning construction, the
3.10 responsible authority shall submit the changed component of the final design plans to
3.11 the governing body of each statutory and home rule city, county, and town in which the
3.12 changed component is proposed to be located.; or

3.13 (2) a local unit of government disapproved the preliminary design plans under
3.14 subdivision 3, following any resubmission if applicable.

3.15 (b) Within 60 days of submission of the final design plans, and following public
3.16 notice of at least 30 days, each statutory and home rule charter city, county, or town
3.17 shall hold a public hearing, at which the responsible authority shall present the physical
3.18 design component of the final design plans.

3.19 (c) Within 60 days after the submission of the plans 90 days of a hearing under
3.20 paragraph (b), the city, county, or town shall review and approve or disapprove the
3.21 changed component located in the city, county, or town final design plans in writing. A
3.22 local unit of government that disapproves the change shall describe specific amendments
3.23 to the plans that, if adopted, would cause the local unit of government to withdraw its
3.24 disapproval. Failure to approve or disapprove the changed plans in writing within the time
3.25 period is deemed to be approval, unless an extension is agreed to by the city, county, or
3.26 town and the responsible authority.

3.27 (b) If the governing body of one or more cities, counties, or towns disapproves the
3.28 changed plans within the period allowed under paragraph (a), the council shall review
3.29 the final design plans under the same procedure and with the same effect as provided in
3.30 subdivision 4 for preliminary design plans.

3.31 (d) Following disapproval under this subdivision by one or more local units of
3.32 government, the responsible authority shall (1) resubmit amended final design plans, or (2)
3.33 decide not to proceed with the project. Upon resubmission of amended final design plans,
3.34 each local unit of government shall follow the procedures under paragraphs (b) and (c).

4.1 Sec. 5. Minnesota Statutes 2012, section 473.3994, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 5a. **Municipal consent for construction.** The responsible authority may not
4.4 commence construction on light rail transit facilities under sections 473.3993 to 473.3997
4.5 unless each statutory or home rule charter city, county, and town in which the route is
4.6 proposed to be located approves the design plans as required under subdivision 3 and, if
4.7 applicable, subdivision 5.

4.8 Sec. 6. **EFFECTIVE DATE; APPLICATION.**

4.9 This act is effective the day following final enactment, and applies to a project in
4.10 preliminary engineering, or final design, on or after that date. This act applies in the
4.11 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.