

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3435

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
02/24/2022	5122	Introduction and first reading Referred to Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to transit; requiring the commissioner of transportation to be the responsible

1.3 authority for light rail transit projects; requiring the commissioner of transportation

1.4 to construct certain transit facilities in the metropolitan area; amending Minnesota

1.5 Statutes 2020, sections 473.3994, subdivisions 1a, 4, 7, 9, 14; 473.3995; 473.3997;

1.6 473.405, subdivision 4; proposing coding for new law in Minnesota Statutes,

1.7 chapter 174.

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

1.9 Section 1. **[174.46] CONSTRUCTION OF NONARTERIAL BUS RAPID TRANSIT**

1.10 **FACILITIES.**

1.11 The commissioner must construct bus rapid transit facilities and infrastructure in the

1.12 metropolitan area if a bus rapid transit line will either operate substantially within separated

1.13 rights-of-way or has a total estimated construction cost of more than \$100,000,000. The

1.14 commissioner must ensure any construction project subject to this section is constructed in

1.15 compliance with applicable plans and designs adopted by the Metropolitan Council.

1.16 Sec. 2. Minnesota Statutes 2020, section 473.3994, subdivision 1a, is amended to read:

1.17 Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit

1.18 facility in the metropolitan area, the governor must designate ~~either the Metropolitan Council~~

1.19 ~~or~~ the state of Minnesota acting through the commissioner of transportation as the entity

1.20 responsible for planning, designing, acquiring, constructing, and equipping the facility.

1.21 ~~Notwithstanding such designation, The commissioner and the council may enter into one~~

1.22 ~~or more cooperative agreements with the Metropolitan Council with respect to the planning,~~

1.23 ~~designing, acquiring, constructing, or equipping of a particular light rail transit facility that~~

2.1 provide for the parties to exercise their respective authorities in support of the project in a
2.2 manner that best serves the project and the public.

2.3 Sec. 3. Minnesota Statutes 2020, section 473.3994, subdivision 4, is amended to read:

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

2.15 Sec. 4. Minnesota Statutes 2020, section 473.3994, subdivision 7, is amended to read:

2.16 Subd. 7. **Council review.** ~~If the commissioner is the responsible authority~~, Before
2.17 proceeding with construction of a light rail transit facility, the commissioner must submit
2.18 preliminary and final design plans to the Metropolitan Council. The council must review
2.19 the plans for consistency with the council's development guide and approve the plans.

2.20 Sec. 5. Minnesota Statutes 2020, section 473.3994, subdivision 9, is amended to read:

2.21 Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for
2.22 federal assistance for light rail transit facilities in the metropolitan area, the Metropolitan
2.23 Council must prepare an estimate of the amount of operating subsidy which will be required
2.24 to operate light rail transit in the corridor to which the federal assistance would be applied.
2.25 The estimate must indicate the amount of operating subsidy estimated to be required in each
2.26 of the first ten years of operation of the light rail transit facility. ~~If the commissioner of~~
2.27 ~~transportation is the responsible authority~~, The commissioner must provide information
2.28 requested by the council that is necessary to make the estimate.

2.29 (b) The council must review and evaluate the estimate developed under paragraph (a)
2.30 with regard to the effect of operating the light rail transit facility on the currently available
2.31 mechanisms for financing transit in the metropolitan area.

3.1 Sec. 6. Minnesota Statutes 2020, section 473.3994, subdivision 14, is amended to read:

3.2 Subd. 14. **Transfer of facility after construction.** ~~If the commissioner of transportation~~
 3.3 ~~is the responsible authority for a particular light rail transit facility,~~ The commissioner must
 3.4 transfer to the Metropolitan Council all facilities constructed and all equipment and property
 3.5 acquired in developing ~~the~~ a particular light rail transit facility upon completion of
 3.6 construction.

3.7 Sec. 7. Minnesota Statutes 2020, section 473.3995, is amended to read:

3.8 **473.3995 LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.**

3.9 (a) A responsible authority may use a design-build method of project development and
 3.10 construction for light rail transit. Notwithstanding any law to the contrary, a responsible
 3.11 authority may award a design-build contract on the basis of requests for proposals or requests
 3.12 for qualifications without bids. "Design-build method of project development and
 3.13 construction" means a project delivery system in which a single contractor is responsible
 3.14 for both the design and construction of the project and bids the design and construction
 3.15 together.

3.16 (b) If a responsible authority utilizes a design-build method of project development and
 3.17 construction for light rail transit, the requirements and procedures in sections 161.3410 to
 3.18 161.3426 apply to the procurement, subject to the following conditions and exceptions:

3.19 ~~(1) if the Metropolitan Council is the responsible authority for a particular light rail~~
 3.20 ~~transit project, when used in sections 161.3410 to 161.3426, (i) the terms "commissioner,"~~
 3.21 ~~"Minnesota Department of Transportation," "department," "state agencies," and "road~~
 3.22 ~~authority" refer to the Metropolitan Council, and (ii) the term "state" refers to the~~
 3.23 ~~Metropolitan Council except in references to state law or in references to the state as a~~
 3.24 ~~geographical location;~~

3.25 ~~(2)~~ (1) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to
 3.26 the procurement; and

3.27 ~~(3)~~ (2) if any federal funds are used in developing or constructing the light rail transit
 3.28 project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or
 3.29 prohibited by, any federal law, regulation, or other requirement are not applicable to the
 3.30 procurement.

4.1 Sec. 8. Minnesota Statutes 2020, section 473.3997, is amended to read:

4.2 **473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

4.3 (a) Upon completion of the alternatives analysis and draft environmental impact statement,
4.4 and selection of the locally preferred alternative, for each light rail transit facility, the
4.5 responsible authority may prepare an application for federal assistance for the light rail
4.6 transit facility. ~~If the commissioner is the responsible authority,~~ The application must be
4.7 reviewed and approved by the Metropolitan Council before it is submitted by the
4.8 commissioner. In reviewing the application the council must consider the operating cost
4.9 estimate developed under section 473.3994, subdivision 9.

4.10 (b) Except for the designated responsible authority for a particular light rail transit
4.11 facility, no political subdivision in the metropolitan area may on its own apply for federal
4.12 assistance for light rail transit planning or construction.

4.13 Sec. 9. Minnesota Statutes 2020, section 473.405, subdivision 4, is amended to read:

4.14 Subd. 4. **Transit systems.** Except as provided by sections 174.46 and 473.3993 to
4.15 473.3997, the council may engineer, construct, equip, and operate transit and paratransit
4.16 systems, projects, or any parts thereof, including road lanes or rights-of-way, terminal
4.17 facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities
4.18 useful for or related to any public transit or paratransit system or project. The council may
4.19 sell or lease naming rights with regard to light rail transit stations and apply revenues from
4.20 sales or leases to light rail transit operating costs.