

## CHAPTER 298—S.F.No. 598

*An act relating to transportation; establishing state transportation goals and requiring periodic revisions of the state transportation plan; directing a study of rail-highway grade crossings; establishing penalties for violations of grade crossing safety laws; authorizing the commissioner of transportation to make grants and loans for the improvement of commercial navigation facilities; establishing special categories of roads and highways; authorizing local units of government to advance funds for the completion of highway projects; creating a transportation services fund; specifying percentage of unrefunded motor fuel tax revenue that is attributable to use on forest roads; authorizing the use of local bridge grant funds to construct drainage structures; requiring a report on metropolitan transportation development and transit development consistent with the report; creating a light rail transit joint powers board; establishing a paratransit advisory council; authorizing transportation research; directing a study of highway corridors; creating a transportation study board and specifying duties; appropriating money; amending Minnesota Statutes 1990, sections 103G.301, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 162.14, subdivision 6, and by adding a subdivision; 169.26; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivisions 1, 5, and by adding a subdivision; 173.13, subdivision 4; 174.01; 174.03, subdivision 2, and by adding a subdivision; 219.074, by adding a subdivision; 219.402; 221.033, by adding a subdivision; 296.16, subdivision 1a; 296.421, subdivision 8; 299D.03, subdivision 5; 473.373, subdivision 4a; Laws 1990, chapter 610, article 1, section 13, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 3; 160; 161; 162; 171; 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 457A.*

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

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ARTICLE 1

TRANSPORTATION PLANNING

Section 1. Minnesota Statutes 1990, section 174.01, is amended to read:

174.01 CREATION; POLICY.

Subdivision 1. DEPARTMENT CREATED. In order to provide a balanced transportation system, ~~which system includes~~ including aeronautics, highways, motor carriers, ports, public transit, railroads and pipelines, a department of transportation is created. The department ~~shall be~~ is the principal agency of the state for development, implementation, administration, consolidation, and coordination of state transportation policies, plans and programs.

Subd. 2. TRANSPORTATION GOALS. The goals of the state transportation system are as follows:

- (1) to provide safe transportation for users throughout the state;

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(2) to provide multimodal and intermodal transportation that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no undue burden placed on any community;

(3) to provide a reasonable travel time for commuters;

(4) to provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;

(5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists;

(6) to provide transit services throughout the state to meet the needs of transit users;

(7) to promote productivity through system management and the utilization of technological advancements;

(8) to maximize the benefits received for each state transportation investment;

(9) to provide funding for transportation that, at a minimum, preserves the transportation infrastructure;

(10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;

(11) to increase high occupancy vehicle use;

(12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;

(13) to increase transit use in the urban areas by giving highest priority to the transportation modes with the greatest people moving capacity; and

(14) to promote and increase bicycling as an energy-efficient, nonpolluting, and healthful transportation alternative.

Sec. 2. Minnesota Statutes 1990, section 174.03, is amended by adding a subdivision to read:

Subd. 1a. REVISION OF STATE TRANSPORTATION PLAN. The commissioner shall revise the state transportation plan by July 1, 1993, and by July 1 of each odd-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the plan. The revised state transportation plan must:

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(1) incorporate the goals of the state transportation system in section 174.01; and

(2) establish objectives, policies, and strategies for achieving those goals.

Sec. 3. Minnesota Statutes 1990, section 174.03, subdivision 2, is amended to read:

Subd. 2. **IMPLEMENTATION OF PLAN.** After the adoption and each revision of the statewide transportation plan, the commissioner and the transportation regulation board shall take no action inconsistent with ~~that~~ the revised plan.

## ARTICLE 2

### RAILROAD CROSSINGS

#### Section 1. RAIL-HIGHWAY CROSSING IMPROVEMENT.

Subdivision 1. STATE RAIL CORRIDOR AND RAIL CROSSING SAFETY STUDY. The commissioner of transportation shall conduct a study of railroad-highway grade crossing safety and improvement in Minnesota.

Subd. 2. CONTENT OF STUDY. The study must include:

(1) a method of determining the relative benefits of grade crossing warning and improvement to the railroad, to the road authority, and to the public, and cost-sharing guidelines;

(2) funding sources for grade crossing warning and improvement;

(3) grade crossing safety research needs;

(4) recommendations for statutory changes to improve grade crossing safety;

(5) the adequacy of existing and proposed methods of grade crossing safety, including:

(i) train visibility;

(ii) signal and warning device design;

(iii) a public reporting system for malfunctioning warning devices;

(iv) improved systems of crossing warnings; and

(v) recommendations for additional funds for rail crossing safety education;  
and

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(6) methods for establishing statewide priorities for grade crossing safety and for implementing these priorities.

Subd. 3. REPORT. The commissioner shall report to the governor and legislature no later than February 1, 1992, on the results of the study.

Sec. 2. Minnesota Statutes 1990, section 169.26, is amended to read:

**169.26 SPECIAL STOPS AT RAILROADS.**

Subdivision 1. **REQUIREMENTS.** (a) When any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so. These requirements apply when:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train;

(2) a crossing gate is lowered warning of the immediate approach or passage of a railroad train; or

(3) an approaching railroad train is plainly visible and is in hazardous proximity.

(b) The fact that a moving train approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.

(c) The driver of a vehicle shall stop and remain standing stopped and not traverse the grade crossing when a human flagger signals the approach or passage of a train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed.

Subd. 1a. VIOLATION. A police officer may arrest the driver of a motor vehicle if the police officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours.

Subd. 2. **PENALTY.** (a) ~~A person driver~~ who violates ~~this section~~ subdivision 1 is guilty of a misdemeanor.

(b) The owner or, in the case of a leased vehicle, the lessee of a motor vehicle is guilty of a petty misdemeanor if a motor vehicle owned or leased by that person is operated in violation of subdivision 1. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This paragraph does not apply if the motor vehicle operator is prosecuted for violating subdivision 1. A violation of this paragraph does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

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Subd. 3. DRIVER TRAINING. All driver education courses approved by the commissioner of education and the commissioner of public safety must include instruction on railroad-highway grade crossing safety. The commissioner of education and the commissioner of public safety shall by rule establish minimum standards of course content relating to operation of vehicles at railroad-highway grade crossings.

Sec. 3. Minnesota Statutes 1990, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **APPLICANTS.** Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally; knowledge of railroad grade crossing safety; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 4. Minnesota Statutes 1990, section 171.13, is amended by adding a subdivision to read:

Subd. 1d. RAILROAD CROSSING SAFETY. The commissioner shall include in each edition of the driver's manual published by the department a section relating to safe operation of vehicles at railroad grade crossings.

Sec. 5. Minnesota Statutes 1990, section 219.074, is amended by adding a subdivision to read:

Subd. 3. CROSSING INVENTORY. By December 31, 1993, the commissioner shall complete an inventory of all public and private grade crossings in the state and shall annually revise the inventory to reflect grade crossing changes made under this section.

Sec. 6. [219.165] **SAFETY RULES AT PRIVATE RAILROAD GRADE CROSSINGS.**

By December 31, 1992, the commissioner shall adopt rules establishing minimum safety standards at all private railroad grade crossings in the state.

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**Sec. 7. [219.384] REMOVAL OF DANGEROUS OBSTRUCTIONS.**

Subdivision 1. REMOVAL ORDERED. If a railroad company, road authority, or abutting property owner fails to control the growth of trees or vegetation or the placement of structures or other obstructions on its right-of-way or property so as to interfere with the safety of the public traveling on a public or private grade crossing, the local governing body of the town or municipality where the grade crossing is located may, by notice, require the obstruction to be removed as necessary to provide an adequate view of oncoming trains at the crossings. The commissioner shall adopt rules establishing minimum standards for visibility at public and private grade crossings.

Subd. 2. PENALTY. A railroad company, road authority, or property owner that fails to comply with this section within 30 days after being notified in writing is subject to a fine of \$50 for each day that the condition is uncorrected. This penalty may be recovered in the manner provided in section 219.97, subdivision 5.

Sec. 8. Minnesota Statutes 1990, section 219.402, is amended to read:

**219.402 ADEQUATE CROSSING PROTECTION.**

Crossing ~~safety~~ warning devices or improvements installed or maintained under this chapter as approved by the board, or the commissioner, whether by order or otherwise, are adequate and appropriate ~~protection~~ warning for the crossing.

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**ARTICLE 3****PORT DEVELOPMENT ASSISTANCE****Section 1. [457A.01] DEFINITIONS.**

Subdivision 1. SCOPE. For purposes of sections 1 to 6, the following terms have the meanings given them.

Subd. 2. COMMERCIAL NAVIGATION FACILITY. "Commercial navigation facility" means (1) terminals and docks used for the transfer of property or passengers between commercial vessels and land, and supporting equipment, structures, and transportation facilities, (2) disposal facilities for dredging material produced by port development projects, and (3) buildings and related structures and facilities used by commercial vessels under construction or repair. "Commercial navigation facility" does not include any commercial navigation facility that is (1) not on the commercial navigation system, or (2) the responsibility of the United States corps of army engineers or the United States coast guard.

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Subd. 3. COMMERCIAL VESSEL. "Commercial vessel" means a vessel used for the transportation of passengers or property. "Commercial vessel" does not include a vessel used primarily for recreational or sporting purposes.

Subd. 4. COMMISSIONER. "Commissioner" means the commissioner of transportation.

Subd. 5. DREDGING. "Dredging" means excavating harbor sediment or bottom materials, including mobilizing or operating equipment for excavating and transporting dredged material to the placing dredged material in a disposal facility.

Subd. 6. NAVIGATION SYSTEM. "Navigation system" means (1) the commercially navigable waters of the Mississippi River, the Minnesota, and the St. Croix rivers, (2) the commercial harbors on Minnesota's Lake Superior shoreline, and (3) the commercial navigation facilities on those waterways.

Subd. 7. PERSON. "Person" means an individual, a partnership, a corporation, an association, or other organization or entity that applies for assistance under this chapter.

## Sec. 2. [457A.02] PROGRAM ESTABLISHED.

Subdivision 1. PURPOSE OF PROGRAM. A port development assistance program is established for the purpose of:

(1) expediting the movement of commodities and passengers on the commercial navigation system;

(2) enhancing the commercial vessel construction and repair industry in Minnesota; and

(3) promoting economic development in and around ports and harbors in the state.

Subd. 2. COMMISSIONER TO ADMINISTER. The commissioner shall administer the port development assistance program to advance the purposes of subdivision 1. In administering the program, the commissioner may:

(1) make grants and loans to persons eligible under section 3, subdivision 1, to apply for them; (2) make assistance agreements with recipients of grants and loans; and (3) adopt rules authorized by section 5.

## Sec. 3. [457A.03] PORT ASSISTANCE.

Subdivision 1. ELIGIBLE APPLICANTS. Any person, political subdivision, or port authority, that owns a commercial navigation facility, may apply to the commissioner for assistance under this chapter.

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Subd. 2. TYPES OF ASSISTANCE. The commissioner may make loans to an eligible applicant if the commissioner determines that the project submitted by the applicant for assistance will serve either or both of the purposes stated in section 2, subdivision 1, clauses (1) and (2). The commissioner may make grants, or a combination of grants and loans, to an eligible applicant if the commissioner determines that the project submitted by the applicant for assistance will serve either or both of the purposes stated in section 2, subdivision 1, clauses (1) and (2), and will also enhance economic development in and around the commercial navigation facility being assisted.

Subd. 3. STATE PARTICIPATION; LIMITATIONS. The commissioner may not provide any assistance under this chapter for more than 50 percent of the nonfederal share of any project. Assistance provided under this chapter may not be used to match any other state funds. The commissioner shall not assume continuing funding responsibility for any commercial navigation facility project.

#### Sec. 4. ~~[457A.04]~~ ASSISTANCE AGREEMENTS.

Subdivision 1. AGREEMENTS REQUIRED. The commissioner may not provide any assistance to a project under this chapter unless the commissioner has signed an assistance agreement with the recipient of the assistance.

Subd. 2. COSTS. An assistance agreement must specify those project costs which may be paid in whole or in part with assistance from the commissioner. Assistance agreements may provide that only the following costs may be so paid:

- (1) final engineering costs on a commercial navigation facility project;
- (2) capital improvements to a commercial navigation facility; and
- (3) costs of dredging necessary to open a new commercial navigation facility project, and for disposal of dredged material.

The following costs may not be paid with assistance from the commissioner:

- (1) the applicant's administrative, insurance, and legal costs;
- (2) costs of acquiring project permits;
- (3) costs of preparing environmental documents, feasibility studies, or project designs;
- (4) interest on money borrowed by the applicant or charged to the applicant for late payment of project costs;
- (5) any costs related to the routine maintenance, repair, or operation of a commercial navigation facility;
- (6) costs of dredging to maintain an existing channel; and
- (7) costs for a project that involves only dredging.

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Subd. 3. INSURANCE; LIABILITY. An assistance agreement must require the applicant to:

(1) provide a comprehensive general liability insurance policy, complying with minimum amount prescribed by the commissioner by rule, naming the commissioner and officers, employees, and agents of the department of transportation as additional insureds; and

(2) save and hold the commissioner harmless from and against all liability, damage, loss, claims, demands, and actions related to the project being assisted.

Subd. 4. PERFORMANCE AND PAYMENT BONDS. An assistance agreement must require an assistance recipient to provide evidence of performance and payment bonds, satisfying all applicable legal requirements for the full amount of any and all construction contracts let by the applicant in connection with the project.

Subd. 5. REPAYMENT. An assistance agreement must require the recipient to repay all or part of any assistance received, in an amount determined by the commissioner, if the project for which the assistance is provided:

(1) is not completed according to the terms of the assistance agreement, or

(2) is converted, during the period of time specified in the assistance agreement, to a use that is (1) inconsistent with the purposes of this chapter, or (2) inconsistent with the terms of the assistance agreement, or (3) not approved in writing by the commissioner.

**Sec. 5. [457A.05] RULES.**

The commissioner may adopt rules that provide for:

(1) application procedures for assistance under this chapter;

(2) procedures for establishing deadlines for applications, and for notifying potential recipients of those deadlines;

(3) eligibility criteria for projects to be assisted;

(4) information required to be submitted with applications;

(5) contents of assistance agreements;

(6) any other requirement of this chapter; and

(7) any other requirement the commissioner deems necessary for the administration of this chapter.

**Sec. 6. [457A.06] REVOLVING FUND.**

A port development revolving fund is established in the state treasury. The

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fund consists of all money appropriated to the commissioner for the purposes of this chapter and all money received by the commissioner from repayment of loans made under this chapter.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective July 1, 1991.

ARTICLE 4

LOCAL HIGHWAYS

Section 1. Minnesota Statutes 1990, section 103G.301, is amended by adding a subdivision to read:

Subd. 5a. TOWN FEES LIMITED. Notwithstanding this section or any other law, no permit application or field inspection fee charged to a town in connection with the construction or alteration of a town road, bridge, or culvert shall exceed \$100.

Sec. 2. **[160.82] STREETS AND HIGHWAYS WITHIN PARKS.**

Subdivision 1. DEFINITION. "Park road" means that portion of a street or highway located entirely within the park boundaries of a city, county, regional, or state park.

Subd. 2. RESTRICTIONS. A road authority may not make a change in the width, grade, or alignment of a park road that would affect the wildlife habitat or aesthetic characteristics of the park road or its adjacent vegetation or terrain, unless:

(1) the change is required to permit the safe travel of vehicles at the speed lawfully designated for the park road; or

(2) if the road is a county state-aid highway or municipal state-aid street, the change is required by the minimum state-aid standard applicable to the road.

Subd. 3. LIABILITY. A road authority and its officers and employees, are exempt from liability for any tort claim for injury to persons or property arising from travel on a park road and related to the design of the park road, if:

(1) the design is adopted to conform to subdivision 2;

(2) the design is not grossly negligent; and

(3) if the park road is a county state-aid highway or municipal state-aid street, the design complies with the minimum state-aid standard applicable to the road.

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This subdivision does not preclude an action for damages arising from negligence in the construction, reconstruction, or maintenance of a park road.

### Sec. 3. [160.83] RUSTIC ROADS PROGRAM.

Subdivision 1. DEFINITION. A "rustic road" is a road that is not on the state-aid system that has the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.

Subd. 2. LOCAL AUTHORITY. A road authority other than the commissioner may, by resolution, designate a road or highway under its jurisdiction a rustic road and the road authority may designate the type and character of vehicles that may be operated on the rustic road; designate the road or a portion of the road as a pedestrian way or bicycle way, or both; and establish priority of right-of-way, paint lines, and construct dividers to physically separate vehicular, bicycle, or pedestrian traffic.

Subd. 3. JOINT DESIGNATION. Two or more road authorities may jointly designate a rustic road along a common boundary or into or through their jurisdictions. The road authorities may enter into agreements to divide the costs and responsibility for maintaining the rustic road.

Subd. 4. COSTS. A rustic road must be maintained by the road authority having jurisdiction over the road and is not eligible for state-aid funding. State money must not be spent to construct, reconstruct, maintain, or improve a rustic road.

### Sec. 4. [161.361] ADVANCE FUNDING FOR TRUNK HIGHWAY PROJECTS.

Subdivision 1. ADVANCE FUNDING. A road authority other than the commissioner may by agreement with the commissioner make advances from any available funds to the commissioner to expedite construction of all or part of a trunk highway. Money may be advanced under this section only for projects already included in the commissioner's highway work program.

Subd. 2. REPAYMENT. Subject to the availability of state money, the commissioner shall repay without interest the amount advanced under subdivision 1, up to the state's share of project costs, at the time the project is scheduled for completion in the highway work program. The total amount of annual repayment to road authorities under this section must never exceed the amount stated in the department's debt management policy or \$10 million, whichever is less.

Sec. 5. Minnesota Statutes 1990, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. **VARIANCES, RULES AND ENGINEERING STANDARDS.** The commissioner may grant variances from the rules and from the engineering

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standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway. The commissioner shall publish notice of the request in the state register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within 20 days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 6. [162.021] NATURAL PRESERVATION ROUTES.

Subdivision 1. ESTABLISHMENT. (a) The commissioner shall establish a natural preservation routes category within the county state-aid highway system.

(b) Natural preservation routes include those routes that possess particular scenic, environmental, or historical characteristics, such as routes along lakes or through forests, wetlands, or flood plains, that would be harmed by construction or reconstruction meeting the engineering standards under section 162.07 or the rules adopted under that section.

(c) The commissioner shall adopt rules establishing minimum construction and reconstruction standards that address public safety and reflect the function, lower traffic volume, and slower speed on natural preservation routes. The rules may not establish standards for natural preservation routes that are higher than the standards for national forest highways within national forests and state park access roads within state parks. Design standards specifying the width of vehicle recovery areas on forest highways, forest and park roads, and on natural preservation routes must minimize harmful environmental impact.

Subd. 2. SIGNS. Signs must be posted at entry points to and at regular intervals along natural preservation routes. Signs posted must conform to the commissioner's manual of uniform traffic devices. Properly posted signs are prima facie evidence that adequate notice of a natural preservation route has been given to the motoring public.

Subd. 3. LIABILITY. Where a county state-aid highway has been designated a natural preservation route and signs have been posted under subdivision 2, the state and the county with jurisdiction over the road and their officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to its design standards for construction or reconstruction, if the design standards comply with the standards established by the commissioner under subdivision 1. This subdivision does not preclude an action for damages arising from negligence in the construction, reconstruction, or maintenance of a natural preservation route.

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Subd. 4. PUBLIC INFORMATION. A county proposing a project on a county state-aid highway that is a natural preservation route that requires removal of the entire surface of the highway shall send to owners of property abutting the highway a written notice that describes the project. The county shall hold a public meeting to discuss design and construction alternatives.

Subd. 5. DESIGNATION. (a) The commissioner may designate a county state-aid highway as a natural preservation route only on petition of the county board of the county having jurisdiction over the road. Within 60 days after a county board receives a written request to designate a county state-aid highway as a natural preservation route, the county board shall act on the request.

(b) The commissioner shall appoint an advisory committee for each construction district consisting of seven members: one member of the department of natural resources, one county commissioner, one county highway engineer, one representative of a recognized environmental organization, and three members of the public. The commissioner shall refer each petition received under this subdivision to the appropriate advisory committee. The advisory committee shall consider the petition for designation and make a recommendation to the commissioner. Following receipt of the committee's recommendation, the commissioner may designate the highway as a natural preservation route.

Sec. 7. Minnesota Statutes 1990, section 162.09, subdivision 3a, is amended to read:

Subd. 3a. VARIANCES, RULES AND ENGINEERING STANDARDS. The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street. The commissioner shall publish notice of the request in the state register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within 20 days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 8. Minnesota Statutes 1990, section 162.14, subdivision 6, is amended to read:

Subd. 6. ADVANCES. Any such city, except cities of the first class, may make advances from any funds available to it for the purpose of expediting the

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construction, reconstruction, improvement, or maintenance of its municipal state-aid street system; provided that such advances shall not exceed ~~40 percent of its last apportionment~~ the city's total estimated apportionment for the three years following the year the advance is made. Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

Sec. 9. Minnesota Statutes 1990, section 169.14, is amended by adding a subdivision to read:

Subd. 5e. SPEED LIMIT ON PARK ROADS. The political subdivision with authority over a park may establish a speed limit on a road located within the park. A speed limit established under this subdivision on a trunk highway is effective only with the commissioner's approval. A speed limit established under this subdivision must be based on an engineering and traffic investigation prescribed by the commissioner of transportation and must not be lower than 20 miles per hour, and no speed limit established under this subdivision may reduce existing speed limits by more than 15 miles per hour. A speed limit established under this subdivision is effective on the erection of appropriate signs designating the speed limit and indicating the beginning and end of the reduced speed zone. Any speed in excess of the posted speed is unlawful.

Sec. 10. Minnesota Statutes 1990, section 221.033, is amended by adding a subdivision to read:

Subd. 4. VARIANCE. The commissioner may adopt rules to provide a procedure to grant variances from regulations adopted under subdivision 1, and contained in Code of Federal Regulations, title 49, part 180. The variances must apply only to cargo tanks with a capacity of 3,000 gallons or less that transport gasoline in intrastate commerce in Minnesota and were first used in transportation before August 1, 1991. The commissioner shall establish inspection, testing, and registration requirements to ensure the safety of cargo tanks operated under a variance granted under this subdivision.

Sec. 11. **BICYCLE FACILITIES.**

The commissioner of transportation shall seek federal funding under United States Code, title 23, section 217, subsection (b), for the establishment of facilities for bicycle transportation.

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## ARTICLE 5

## TRANSPORTATION FUNDING

## Section 1. [161.041] TRANSPORTATION SERVICES FUND.

Subdivision 1. FUND CREATED. A transportation services fund is created in the state treasury. The fund consists of all money required or made available by law to be deposited in the fund.

Subd. 2. USES OF FUND. Money in the transportation services fund may only be expended by appropriation for:

(1) activities of the commissioner of public safety relating to (i) driver licensing, (ii) motor vehicle registration and licensing, (iii) the accident reporting system; and (iv) the state patrol;

(2) activities of the commissioner of transportation relating to oversize and overweight permits, including the cost of necessary highway maintenance and preservation related to granting those permits;

(3) activities of the commissioner of transportation related to junkyard screening and control of outdoor advertising devices;

(4) activities of the transportation regulation board related to motor carrier regulation;

(5) repayment of money borrowed for new buildings, and improvements to existing buildings, of the department of transportation;

(6) railroad grade crossing protection studies, grade crossing inventories, and grade crossing public education; and

(7) activities of the transportation study board.

Sec. 2. Minnesota Statutes 1990, section 173.13, subdivision 4, is amended to read:

Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$20 ~~\$25~~ on July 1, 1991, and \$30 on July 1, 1992, and thereafter.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$40 ~~\$50~~ on July 1, 1991, and \$60 on July 1, 1992, and thereafter.

(3) If the advertising area exceeds 300 square feet, the fee shall be \$80 ~~\$100~~ on July 1, 1991, and \$120 on July 1, 1992, and thereafter.

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(4) No fee shall be charged for a permit for official signs and notices as they are defined in section 173.02, except that a fee may be charged for a star city sign erected under section 173.085.

Sec. 3. Minnesota Statutes 1990, section 296.16, subdivision 1a, is amended to read:

Subd. 1a. **INTENT; FOREST ROADS.** ~~\$675,000~~ Approximately 0.116 percent of the total annual unrefunded revenue from the gasoline fuel tax on all gasoline and special fuel received in, produced, or brought into this state, except gasoline and special fuel used for aviation purposes, is derived from the operation of motor vehicles on state forest roads and county forest access roads; ~~and~~. Of this ~~sum~~, ~~\$400,000~~ amount, 0.0605 percent is annually derived from motor vehicles operated on state forest roads and ~~\$275,000~~ 0.0555 percent is annually derived from motor vehicles operated on county forest access roads in this state.

Sec. 4. Minnesota Statutes 1990, section 296.421, subdivision 8, is amended to read:

Subd. 8. **COMPUTATION AND DISTRIBUTION OF UNREFUNDED TAXES FOR FOREST ROADS.** The amount of unrefunded tax paid on gasoline and special fuel used to operate motor vehicles on forest roads, except gasoline and special fuel used for aviation purposes, is ~~\$675,000 annually~~ 0.116 percent of the total unrefunded revenue from the tax on all gasoline and special fuel received in, produced, or brought into the state, and this revenue is appropriated from the highway user tax distribution fund and must be transferred and credited in equal installments on July 1 and January 1 to the state forest road account established in section 89.70. \$275,000 of this amount An amount equal to 0.0555 percent of the unrefunded revenue must be annually transferred to counties for management and maintenance of county forest roads.

Sec. 5. Minnesota Statutes 1990, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **FINES AND FORFEITED BAIL MONEY.** (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by officers of the state patrol, shall be paid by the person or officer collecting the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of these receipts shall be credited to the general revenue fund of the county. The other five-eighths of these receipts shall be transmitted by that officer to the state treasurer and shall be credited as follows:

(1) In the fiscal year ending June 30, 1991, the first \$275,000 in money received by the state treasurer after the effective date of this section must be credited to the transportation services fund, and the remainder in the fiscal year credited to the trunk highway fund.

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(2) In fiscal year 1992, the first \$215,000 in money received by the state treasurer in the fiscal year must be credited to the transportation services fund, and the remainder credited to the trunk highway fund.

(3) In fiscal years 1993 and subsequent years, the entire amount received by the state treasurer must be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of these receipts shall be credited to the general revenue fund of the county.

Sec. 6. Laws 1990, chapter 610, article 1, section 13, subdivision 5, is amended to read:

Subd. 5. Local Bridge Replacement and Rehabilitation

5,600,000

This appropriation is from the state transportation fund.

(a) This appropriation shall be distributed by the commissioner of transportation as grants to political subdivisions for the construction and reconstruction of key bridges on highways and streets under their jurisdiction. The grants shall not exceed the following aggregate amounts:

|   |             |
|---|-------------|
| (1) To counties                               | \$3,304,000 |
| (2) To home rule charter and statutory cities | \$ 784,000  |
| (3) To towns                                  | \$1,512,000 |

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(b) The grants may be used by a political subdivision to:

(1) Construct and reconstruct key bridges under their jurisdiction;

(2) Match federal-aid grants for construction and reconstruction of the bridges;

(3) Pay the costs of preliminary engineering and environmental studies for the bridges;

(4) Pay the costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement is made; ~~and~~

(5) Pay the cost of constructing a road or street that would facilitate the abandonment of an existing deficient bridge. The construction of the road or street must be judged by the commissioner to be more cost-efficient than the reconstruction or replacement of the existing bridge; and

(6) Pay the cost of constructing a water retention structure that replaces an existing deficient bridge and is included in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources. The participating cost is limited to the cost of drainage structures and roadway grading other than surfacing and is limited to an amount that does not exceed the cost of constructing a replacement bridge.

#### Sec. 7. APPROPRIATION.

Subdivision 1. GENERAL APPROPRIATION. \$490,000 is appropriated from the transportation services fund as provided in subdivisions 2 and 3.

1992

1993

#### Subd. 2. Department of Transportation

|   |                  |               |
|---|------------------|---------------|
| <u>(a) Conduct railroad crossing protection study</u> | <u>\$ 60,000</u> | <u>\$ -0-</u> |
| <u>(b) Inventory railroad grade crossings</u>         | <u>50,000</u>    | <u>50,000</u> |

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|   |                |                 |
|---|----------------|-----------------|
| (c) <u>Develop public education program</u> | <u>20,000</u>  | <u>20,000</u>   |
| <u>Subd. 3. Transportation Study Board</u>  | <u>145,000</u> | <u>145,000*</u> |

\* (Subdivision 3 was vetoed by the governor.)

Sec. 8. **EFFECTIVE DATE.**

Section 1, 5, and 6 are effective the day after final enactment. Sections 2, 3, 4, and 7 are effective July 1, 1991.

ARTICLE 7

METROPOLITAN TRANSPORTATION

Section 1. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 24. SPECIAL TRANSPORTATION SERVICE. "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in section 144.801, subdivision 4. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, and taxis. Special transportation service does not include a volunteer driver using a private passenger vehicle that belongs to the volunteer.

Sec. 2. Minnesota Statutes 1990, section 171.02, subdivision 2, is amended to read:

**Subd. 2. DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.** Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle, school bus, special transportation service vehicle, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest

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to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles except vehicles with a gross vehicle weight of 26,001 or more pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; and

(5) with a special transportation service vehicle endorsement, operating a motor vehicle providing special transportation service.

The holder of a class C license may also tow vehicles under 10,000 pounds gross vehicle weight.

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 3. Minnesota Statutes 1990, section 171.10, subdivision 2, is amended to read:

Subd. 2. **ENDORSEMENTS ADDED.** (a) Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle, school bus, special transportation service vehicle, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

Sec. 4. Minnesota Statutes 1990, section 171.13, subdivision 5, is amended to read:

Subd. 5. **FEE FOR VEHICLE ENDORSEMENT.** Any person applying to

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secure a motorcycle, school bus, special transportation service vehicle, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Sec. 5. [171.323] **SPECIAL TRANSPORTATION SERVICE DRIVERS.**

**Subdivision 1. DRIVER'S LICENSE WITH ENDORSEMENT REQUIRED.** No person shall drive a motor vehicle providing special transportation service within the seven-county metropolitan area as defined in section 473.121, subdivision 2, without having a valid class A, class B, or class CC driver's license with a special transportation service vehicle endorsement.

**Subd. 2. QUALIFICATIONS; RULES.** The commissioner of public safety shall prescribe rules governing the procedures for issuance of a special transportation service vehicle permit and endorsement, which include the following provisions:

(1) Procedures for issuance of a special transportation service permit valid for not more than ninety (90) days upon proof that the applicant is not disqualified based on prior criminal convictions as described in this section.

(2) Procedures to issue a special transportation service vehicle endorsement if, within the permit period, the applicant provides proof of the completion of the training required by the commissioner of transportation under section 174.30.

(3) Procedures for withdrawal of an endorsement after issuance.

(4) Procedures for applicants to challenge the withdrawal or denial of an endorsement; and

(5) Procedures for issuance of a certificate of endorsement for a nonresident driving special transportation service vehicles in Minnesota.

**Subd. 3. STUDY OF APPLICANT.** Before issuing or renewing a special transportation service vehicle endorsement, the commissioner shall conduct a criminal records check of the applicant. The commissioner may also conduct a records check at any time while a person is so licensed. The check shall consist of a criminal records check of the state criminal records repository. If the applicant has resided in Minnesota for less than five years, the records check shall also include a criminal records check of information from the state law enforcement agencies in the states where the applicant resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The applicant's failure to cooperate with the commissioner in conducting a records check is reasonable cause to deny an application or cancel a special transportation vehicle endorsement. The commissioner may not release the results of a records check to any person except the applicant.

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Subd. 4. DISQUALIFICATION FOR PRIOR CONVICTION. No endorsement shall be authorized for any person unless the applicant or licensee:

(1) is not disqualified to receive a school bus endorsement due to criminal history;

(2) is not disqualified as a special transportation service driver under the rules of the commissioner of transportation promulgated under to section 174.30; and

(3) has a criminal record clear of conviction of offenses relating to vulnerable adult abuse under section 626.557.

Sec. 6. Minnesota Statutes 1990, section 473.373, subdivision 4a, is amended to read:

Subd. 4a. **MEMBERSHIP.** (a) The board consists of 11 members with governmental or management experience. Appointments are subject to the advice and consent of the senate. Terms of members are four years commencing on the first Monday in January of the first year of the term.

(b) The council shall appoint eight members, one from each of the following agency districts:

- (1) district A, consisting of council districts 1 and 2;
- (2) district B, consisting of council districts 3 and 7;
- (3) district C, consisting of council districts 4 and 5;
- (4) district D, consisting of council districts 6 and 11;
- (5) district E, consisting of council districts 8 and 10;
- (6) district F, consisting of council districts 9 and 13;
- (7) district G, consisting of council districts 12 and 14; and
- (8) district H, consisting of council districts 15 and 16.

At least Six must be elected officials of statutory or home rule charter cities, towns, or counties. Two of these officials must be county board members, each from a different county, and four must be elected officials of cities or towns. Service on the board of a person who is appointed as an elected official may continue only as long as the person holds the office. At least 30 days before the expiration of a term or upon the occurrence of a vacancy, the council shall request nominations for the position from relevant organizations of local elected officials, such as the association of metropolitan municipalities, the metropolitan intercounty association, the association of urban counties, and where applicable, the association of townships. Each relevant organization shall nominate at least two persons for each position. A local governmental unit that is not a member of

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an organization may submit nominations independently. The council shall make its appointments from the nominations submitted to it to the extent possible consistent with the other requirements of this paragraph and with the appointment of a board that fairly reflects the diverse areas and constituencies affected by transit.

(c) The governor shall appoint, in addition to the chair, two persons, one who is age 65 or older at the time of appointment, and one with a disability. These appointments must be made following the procedures of section 15.0597. In addition, at least 30 days before the expiration of a term or upon the occurrence of a vacancy in the office held by a senior citizen or a person with a disability, the governor shall request nominations from organizations of senior citizens and persons with disabilities. Each organization shall nominate at least two persons. The governor shall consider the nominations submitted.

(d) No more than three of the members appointed under paragraphs (b) and (c) may be residents of the same statutory or home rule city or town, and none may be a member of the joint light rail transit advisory committee established under section 473.3991.

#### Sec. 7. [473.3997] FEDERAL FUNDING; LIGHT RAIL TRANSIT.

By July 1, 1992, the regional transit board, the regional rail authorities, and the commissioner of transportation shall jointly prepare any application for federal assistance for light rail transit facilities in the metropolitan area. The application must be reviewed and approved by the metropolitan council before it is submitted. The board, the rail authorities, and the commissioner must consult with the council in preparing the application. The application may provide for metropolitan regional railroad authorities to design or construct light rail transit facilities under contract with the commissioner.

#### Sec. 8. [473.3998] LIGHT RAIL TRANSIT JOINT POWERS BOARD.

A light rail transit joint powers board shall be formed under section 471.59 to implement light rail transit final design and construction of the corridors funded solely with federal and county funds. The board shall consist of a voting member from the metropolitan transit commission, the department of transportation, the regional transit board, the metropolitan council, and the regional rail authorities of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties, plus an additional voting member from a county regional rail authority with a corridor in which final design has begun.

#### Sec. 9. ADVISORY TASK FORCE ON PARATRANSIT.

Subdivision 1. CREATION; MEMBERSHIP. The regional transit board shall establish a paratransit advisory task force under section 15.059, subdivision 6, consisting of the following members:

(1) two members representing the regional transit board, appointed by the chair of the board;

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(2) two members representing the department of human services, appointed by the commissioner of human services;

(3) one member representing the department of transportation, appointed by the commissioner of transportation;

(4) one member representing the metropolitan transit commission, appointed by the chair of the commission;

(5) one member representing the council on disability, appointed by the council;

(6) one member representing nonprofit providers, appointed by the commissioner of human services;

(7) one member representing for-profit providers, appointed by the commissioner of human services;

(8) one member representing the senior community, appointed by the commissioner of human services;

(9) one member representing the metropolitan area, appointed by the chair of the metropolitan council; and

(10) two members representing users of paratransit, appointed by the chair of the board.

The committee shall expire December 31, 1991.

Subd. 2. ADMINISTRATION. The regional transit board and the department of human services shall provide staff and administrative services for the committee. The organizations whose representatives are listed in subdivision 1, clauses (4) to (8), shall provide information, staff, and technical assistance for the committee as needed.

Subd. 3. STUDIES. The committee shall study the feasibility of consolidating and coordinating existing metro mobility service trips with existing department of human services medical assistance service trips in the metropolitan area. The committee shall consult affected persons and organizations not represented by members appointed under subdivision 1, including day training and rehabilitation centers, nursing homes, and intermediate care facilities for the mentally retarded.

Subd. 4. REPORT. The commissioner of human services and the chair of the regional transit board shall jointly submit the report and recommendations to the legislature and the governor no later than December 31, 1991.

Subd. 5. DEFINITION. For the purposes of this section, "metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

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**Sec. 10. APPLICATION.**

Sections 1 to 9 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

**Sec. 11. EFFECTIVE DATE.**

Section 6 is effective the day following final enactment.

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**ARTICLE 8****TRANSPORTATION STUDIES****Section 1. [161.53] RESEARCH ACTIVITIES.**

The commissioner may set aside for transportation research in each fiscal year up to one percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend 0.1 percent, but not exceeding \$800,000 in any fiscal year, for research and related activities performed by the center for transportation studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

**Sec. 2. DEPARTMENT OF TRANSPORTATION; CORRIDOR STUDIES.**

Subdivision 1. FINDING. The legislature finds that a system of improved highways between regional centers in greater Minnesota and the Twin Cities metropolitan area is needed to promote economic development and to enhance commercial access, personal mobility, and traffic safety in Minnesota. It is therefore in the public interest to provide financing methods that accelerate construction of trunk highways linking regional centers in greater Minnesota with the Twin Cities metropolitan area.

Subd. 2. STUDY. The commissioner of transportation shall study and report to the governor and legislature on the feasibility of establishing a comprehensive system of multilane divided highways connecting regional centers with the Twin Cities metropolitan area. The study must include:

(1) existing highways on corridors between regional centers and the metropolitan area;

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(2) improvements needed to bring the highways to expressway standards and the cost of the improvements;

(3) the role of these improvements in the department of transportation's trunk highway programming priorities; and

(4) a schedule for completing the improvements.

The commissioner shall complete the study and submit the report not later than January 15, 1992.

### Sec. 3. [3.8625] TRANSPORTATION STUDY BOARD.

Subdivision 1. BOARD EXTENDED; MEMBERSHIP. A transportation study board is created. The board shall consist of the following members:

(1) seven members of the senate, with not more than five of the same political party, appointed by the senate committee on committees; and

(2) seven members of the house of representatives, with not more than five of the same political party, appointed by the speaker of the house. Appointments are for two-year terms beginning July 1 of each odd-numbered year. Vacancies must be filled in the same manner as the original appointments.

Subd. 2. OFFICERS. The board shall elect a chair and vice-chair from among its members. The chair must alternate biennially between a member of the house and a member of the senate. The vice-chair must be a house member when the chair is a senate member, and a senate member when the chair is a house member.

Subd. 3. STAFF. The board may employ professional, technical, consulting, and clerical services. The board may use legislative staff to provide legal counsel, research, secretarial, and clerical assistance.

Subd. 4. EXPENSES AND REIMBURSEMENT. The members of the board may receive per diem when attending meetings and other commission business. Members, employees, and legislative staff must be reimbursed for expenses actually and necessarily incurred in the performance of their duties under the rules governing legislators and legislative employees.

Subd. 5. EXPIRATION. This section expires July 1, 1993.

### Sec. 4. [3.863] DUTIES.

The transportation study board shall perform the following duties:

(1) review and participate with the house of representatives and senate transportation committees in developing recommendations for state transportation policies;

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(2) monitor state transportation programs, expenditures, and activities;

(3) review and participate in the coordination of legislative initiatives that affect state and local transportation agencies; and

(4) propose special studies to the legislature and conduct studies at the direction of the legislature.

Sec. 5. [3.864] SPECIAL STUDIES.

Subdivision 1. STUDIES. The board shall conduct the studies in subdivisions 2 to 8 by January 1, 1993. The board may request the commissioner of transportation to conduct any of the studies and report to the board and the legislature.

Subd. 2. HIGHWAY PLANNING PROCESS. The board shall review the department of transportation's policies and procedures for identifying, evaluating, prioritizing, and implementing trunk highway development projects. The board shall not propose, identify, or otherwise select any specific project or category of projects. The board shall report to the legislature and the commissioner of transportation on the results of the study with recommendations to the commissioner of transportation on changes in the department's policies and procedures and to the legislature on changes in law governing those policies and procedures.

Subd. 3. HIGHWAY JURISDICTION. The board shall conduct a study of the functional classification of all streets and highways in Minnesota. The study shall include:

(1) development of a state jurisdiction plan, including:

(i) criteria for determining the functional class of every street and highway in the state;

(ii) identification of the appropriate jurisdiction of every street and highway, based on functional class; and

(iii) criteria for determining when jurisdiction should be based on factors other than functional class;

(2) recommendations for implementing the jurisdiction plan; and

(3) recommendations for changes in law to facilitate future jurisdiction transfers, including establishment of a highway jurisdiction board.

The board shall report to the legislature and the commissioner of transportation on the results of the study.

Subd. 4. LIGHT RAIL TRANSIT. The board shall review and report to the legislature on preliminary engineering plans for light rail transit adopted by the commissioner of transportation under article 7.

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Subd. 5. STATE-AID DISTRIBUTION. The board shall study unresolved issues relating to distribution of the county state-aid highway fund and the municipal state-aid street fund. These issues may include, but are not limited to:

- (1) formulas for distributing money;
- (2) methods of measuring and quantifying the factors used in the formulas;
- (3) the role of screening boards in the distribution of state-aid funds;
- (4) methods to mitigate reductions in state aid resulting from changes in state-aid formulas and distribution procedures; and
- (5) appropriate levels of state participation in the cost of constructing and maintaining county state-aid highways and municipal state-aid streets.

Subd. 6. LOCAL PARTICIPATION IN TRUNK HIGHWAY PROJECTS. The board shall study the role of local units of government in funding trunk highway construction or reconstruction projects. The study must recommend guidelines for local participation and the types of projects for which participation is feasible and desirable.

Subd. 7. INCREASED USE OF HIGH-OCCUPANCY VEHICLES. The board shall study incentives for increasing the use of high-occupancy vehicles and shall evaluate:

- (1) tax incentives to employees;
- (2) tax incentives and other incentives to employers;
- (3) parking charges designed to discourage single-occupant vehicles and promote high-occupancy vehicles;
- (4) road pricing on freeways and other commuting routes;
- (5) staggered work hours;
- (6) expanded availability and reduced cost of regular-route transit; and
- (7) increased use of demand-responsive transit to meet the needs of persons otherwise automobile dependent.

Subd. 8. LOCAL FINANCING STUDY. Before the 1992 legislative session, the board and the legislature shall study the use and effect of methods other than property tax revenues to finance local transportation improvements, including impact fees, transportation utility fees, and similar methods.

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective July 1, 1991.

New language is indicated by underline, deletions by ~~strikeout~~.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 4:50 p.m.

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**CHAPTER 299—S.F.No. 520**

*An act relating to legal services; requesting the supreme court to study the feasibility of the delivery of legal services by specialized legal assistants; amending Minnesota Statutes 1990, section 481.02, subdivision 3.*

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

Section 1. Minnesota Statutes 1990, section 481.02, subdivision 3, is amended to read:

Subd. 3. **PERMITTED ACTIONS.** The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a

New language is indicated by underline, deletions by ~~strikeout~~.