

CHAPTER 230—S.F.No. 1762

An act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; abolishing provision that restricted evidence of use of headgear by motorcyclist to only the question of damages for head injuries; authorizing commissioner of transportation to determine dates for seasonal load restrictions; modifying provision requiring certification for disbursement from state transportation fund; requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; establishing design approval process for commuter rail; creating commuter rail corridor coordinating committee; changing period of hours of service exemption for drivers transporting sugar beets; requiring petroleum tank truck driver to be at least 18 years old; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; restricting liability related to land acquired by municipality for highway purposes; modifying powers and duties of counties with respect to light rail and commuter rail transit planning; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; establishing priority order for light rail transit construction; requiring metropolitan council to develop regional master plan for transit; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 221.033, by adding a subdivision; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 398A.04, subdivisions 1, 2, and 9; 446A.085, subdivisions 3 and 6; 466.03, by adding a subdivision; 473.1466; 473.399; 473.3993, subdivision 3; and 473.3994, subdivisions 3, 4, and 10; Laws 1998, chapter 404, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 169.974, subdivision 6; 473.3994, subdivision 12; and 473.3998.

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

Section 1. Minnesota Statutes 1998, section 16C.05, subdivision 2, is amended to read:

Subd. 2. **CREATION AND VALIDITY OF CONTRACTS.** (a) A contract is not valid and the state is not bound by it unless:

(1) it has first been executed by the head of the agency or a delegate who is a party to the contract;

(2) it has been approved by the commissioner;

(3) it has been approved by the attorney general or a delegate as to form and execution;

(4) the accounting system shows an obligation in an expense budget or encumbrance for the amount of the contract liability; and

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(5) the combined contract and amendments shall not exceed five years, without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years unless the commissioner determines that a longer duration is in the best interest of the state.

(b) Grants, interagency agreements, purchase orders, and annual plans need not, in the discretion of the commissioner and attorney general, require the signature of the commissioner and/or the attorney general.

(c) A fully executed copy of every contract must be kept on file at the contracting agency.

Sec. 2. Minnesota Statutes 1998, section 16C.09, is amended to read:

16C.09 PROCEDURE FOR SERVICE CONTRACTS.

(a) Before entering into or approving a service contract, the commissioner must determine, at least, that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;

(3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;

(4) the contractor and agents are not employees of the state;

(5) the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed; and

(6) the combined contract and amendments will not exceed five years, without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

(b) For purposes of paragraph (a), clause (1), employees are available if qualified and:

(i) (1) are already doing the work in question; or

(ii) (2) are on layoff status in classes that can do the work in question.

An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question.

Sec. 3. Minnesota Statutes 1998, section 160.085, subdivision 1, is amended to read:

Subdivision 1. **RECORDING MAP OR PLAT; CERTIFICATION.** (a) In order to facilitate the acquisition of right-of-way required for highways, state and county road

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authorities may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, such orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition.

(b) The map or plat, as to trunk highways, shall be certified by the commissioner of transportation or the commissioner's designated assistant and any by a licensed land surveyor in the employ of the state as to trunk highways.

(c) The map or plat shall be certified as to county state-aid highways and county highways by the chair of the county board or the county engineer or the engineer's designated assistant, and by a licensed land surveyor in the employ of the county.

(d) The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Neither a witness nor an acknowledgment is required for a map or plat certified under this subdivision. Any amendments, alterations, corrections, rescissions or vacations of such orders, resolutions, maps or plats so filed shall be entitled to record in like manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, correction, rescission or vacation to direct the attention of anyone examining the record to the proper map or plat.

Sec. 4. Minnesota Statutes 1998, section 160.085, subdivision 1a, is amended to read:

Subd. 1a. **AMENDING RECORDED MAP OR PLAT.** If an error on a map or plat incorrectly defines the intended acquisition, but does not affect any rights of interest to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate shall be signed by a licensed land surveyor ~~in the employ of the state or county.~~ The certificate shall be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When so filed the certificate shall amend the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

Sec. 5. Minnesota Statutes 1998, section 161.04, subdivision 3, is amended to read:

Subd. 3. **TRUNK HIGHWAY REVOLVING LOAN ACCOUNT.** A trunk highway revolving loan account is created in the ~~trunk highway fund transportation revolving loan fund under section 446A.085.~~ The commissioner may transfer money from the trunk highway fund to the trunk highway revolving loan account. Money in the account may be used to make loans. Funds in the trunk highway revolving loan account may not be used for any toll facilities project or congestion-pricing project and may be used only for trunk highway purposes and repayments and interest from loans of those funds must be credited to the trunk highway revolving loan account in the ~~trunk highway transportation revolving loan fund.~~ Money in the trunk highway revolving loan account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the trunk highway revolving loan account.

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Sec. 6. Minnesota Statutes 1998, section 161.04, is amended by adding a subdivision to read:

Subd. 4. **LOANS FOR TRUNK HIGHWAY PROJECTS.** Loans from the transportation revolving loan fund to the commissioner for trunk highway projects must be deposited in the trunk highway fund. Loan proceeds are appropriated annually to the commissioner and do not lapse. Principal and interest payments on the loan proceeds must be paid from the debt service account and are considered a long-term obligation of the trunk highway fund.

Sec. 7. Minnesota Statutes 1998, section 161.115, subdivision 164, is amended to read:

Subd. 164. **ROUTE NO. 233.** Beginning at a point in Section 35, Township 135 North, Range 26 28 West; thence extending in a general southerly direction to a point on Route No. 18 at or near Brainerd.

Sec. 8. Minnesota Statutes 1998, section 161.16, subdivision 2, is amended to read:

Subd. 2. **DESIGNATION AND LOCATION BY ORDER.** The commissioner shall by order or orders designate such temporary trunk highways, and on determining the definite location of any trunk highway or portion thereof, the same shall also be designated by order or orders. The definite location of such highway or portion thereof may be in the form of a map or plat showing the lands and interests in lands required for trunk highway purposes. Formal determination or order if by map or plat, shall be certified by the commissioner of transportation on said map or plat. The commissioner may, by similar order or orders, change the definite location of any trunk highway between the fixed termini, as fixed by law, when such changes are necessary in the interest of safety and convenient public travel. The commissioner shall file certified copies of such orders with the county auditor of the county wherein such highways are located. Such certified copies shall become maintain a file of these orders as permanent records and shall not be removed from the office or offices wherein filed.

Sec. 9. Minnesota Statutes 1998, section 161.32, subdivision 2, is amended to read:

Subd. 2. **DIRECT NEGOTIATION.** In cases where the estimated cost of construction work or maintenance work does not exceed ~~\$75,000~~ \$150,000, the commissioner may enter into a contract for the work by direct negotiation, by obtaining two or more quotations for the work, and without advertising for bids or otherwise complying with the requirements of competitive bidding if the total contractual obligation of the state for the directly negotiated contract or contracts on any single project does not exceed ~~\$75,000~~ \$150,000. All quotations obtained shall be kept on file for a period of at least one year after receipt of the quotation.

Sec. 10. Minnesota Statutes 1998, section 162.06, subdivision 1, is amended to read:

Subdivision 1. **ESTIMATE.** ~~On or before the second Tuesday of January By December 15~~ of each year the commissioner shall estimate the ~~probable sum~~ amount of money that will ~~accrue~~ be available to the county state-aid highway fund during the first six months of each that fiscal year ending June 30. ~~To such estimated amounts the commissioner shall add the sum of money already accrued in the county state-aid highway fund for the last preceding six-month period ending December 31 of each year, adjusted to reflect the amount by which~~ The amount available must be based on actual receipts for

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the preceding January 1 to June 30 were different from estimated receipts from July 1 through November 30, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total of such sums available, except for deductions to be first made as provided herein, shall be apportioned by the commissioner to the several counties as hereinafter provided.

Sec. 11. Minnesota Statutes 1998, section 162.06, subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATIVE COSTS OF DEPARTMENT.** From the total of such sums the commissioner shall deduct A sum equal to of 1-1/2 percent of the total sum. ~~The sum so deducted shall be set aside in a separate account and shall be deducted from the total amount available in the county state-aid highway fund, set aside in a separate account, and used for administrative costs incurred by the state transportation department in carrying out the provisions relating to the county state-aid highway system. On the 31st day of December of each year any money remaining in the account not needed for administrative costs shall be transferred to the county state-aid highway fund.~~

Sec. 12. Minnesota Statutes 1998, section 162.06, subdivision 6, is amended to read:

Subd. 6. **COUNTY STATE-AID HIGHWAY REVOLVING LOAN ACCOUNT.** A county state-aid highway revolving loan account is created in the county state-aid highway transportation revolving loan fund. The commissioner may transfer to the account the amount allocated under section 162.065. Money in the account may be used to make loans. Funds in the county state-aid highway revolving loan account may be used only for aid in the construction, improvement, and maintenance of county state-aid highways. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the county state-aid highway revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the county state-aid highway revolving loan account.

Sec. 13. Minnesota Statutes 1998, section 162.12, subdivision 1, is amended to read:

Subdivision 1. **ESTIMATE OF ACCRUALS.** ~~On or before the second Tuesday of January~~ By December 15 of each year the commissioner shall estimate the probable sum amount of money that will ~~accrue~~ be available to the municipal state-aid street fund during the first six months of each year ending June 30 that fiscal year. ~~To the estimated amount the commissioner shall add the sum of money already accrued in the municipal state-aid street fund for the last preceding six-month period ending December 31, adjusted to reflect the amount by which~~ The amount available is based on actual receipts for the preceding January 1 to June 30 were different from estimated receipts from July 1 through November 30, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total of such sums available, except for deductions to be first made as provided herein, shall be apportioned by the commissioner to the cities having a population of 5,000 or more as hereinafter provided.

Sec. 14. Minnesota Statutes 1998, section 162.12, subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATIVE COSTS OF DEPARTMENT.** From the total of such sums the commissioner, each year, shall deduct A sum of money equal to one and one-half 1-1/2 percent of the total sums. ~~The sum so shall be deducted shall be from the~~

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total available in the municipal state-aid street fund, set aside in a separate account, and shall be used for administration costs incurred by the state transportation department in carrying out the provisions relating to the municipal state-aid street system. ~~On the 31st day of December of each year, any money remaining in the account not needed for administrative costs shall be transferred to the municipal state-aid street fund.~~

Sec. 15. Minnesota Statutes 1998, section 162.12, subdivision 5, is amended to read:

Subd. 5. MUNICIPAL STATE-AID STREET REVOLVING LOAN ACCOUNT. A municipal state-aid street revolving loan account is created in the ~~municipal state-aid street transportation revolving loan fund~~. The commissioner may transfer to the account the amount allocated under section 162.125. Money in the account may be used to make loans. Funds in the municipal state-aid street revolving loan account may be used only for aid in the construction, improvement, and maintenance of municipal state-aid streets. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the municipal state-aid street revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the municipal state-aid street revolving loan account.

Sec. 16. Minnesota Statutes 1998, section 169.87, subdivision 2, is amended to read:

Subd. 2. SEASONAL LOAD RESTRICTIONS. Except for portland cement concrete roads, ~~from March 20 to May 15 of~~ between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed five tons on a ~~county or highway, town road, or city street~~ that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 169.825 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

Sec. 17. Minnesota Statutes 1998, section 174.02, is amended by adding a subdivision to read:

Subd. 7. LOANS TO COMMISSIONER. The commissioner of transportation may apply for and receive loans, as defined in section 446A.085, subdivision 1, paragraph (d), from the transportation revolving loan fund created in section 446A.085, and may enter into agreements for the repayments of the loans.

Sec. 18. Minnesota Statutes 1998, section 174.50, subdivision 5, is amended to read:

Subd. 5. CERTIFICATION AND DISBURSAL FOR PROJECT OF POLITICAL SUBDIVISION. Before disbursement of an appropriation made from the fund to the commissioner of transportation for grants to subdivisions of the state, the commissioner shall certify to the ~~commissioner of finance~~:

- (1) that the project for which the grant is made has been reviewed as provided in subdivision 4;
- (2) that the project conforms to the program authorized by the appropriation law and rules adopted by the department of transportation consistent therewith; and
- (3) that the financing of any estimated cost of the project in excess of the amount of the grant is assured by the appropriation of the proceeds of bonds or other funds of the

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subdivision, or by a grant from an agency of the federal government, within the amount of funds then appropriated to that agency and allocated by it to projects within the state, and by an irrevocable undertaking, in a resolution of the governing body of the subdivision, to use all funds so made available exclusively for the project, and to pay any additional amount by which the cost exceeds the estimate through appropriation to the construction fund of additional funds or the proceeds of additional bonds to be issued by the subdivision.

Sec. 19. [174.80] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of sections 174.80 to 174.90, the terms defined in this section have the meanings given them.

Subd. 2. ADVANCED CORRIDOR PLAN. "Advanced corridor plan" means a commuter rail plan that:

(1) contains a physical design component that identifies the physical design of facilities, including:

(i) location, length, and termini of routes;

(ii) maintenance facility locations;

(iii) safety improvements;

(iv) station locations and design; and

(v) related park and ride, parking, and other transportation facilities;

(2) specifies track and signal improvements;

(3) addresses handicapped access;

(4) specifies intermodal coordination and connections with bus and light rail transit operation and routes;

(5) projects ridership, capital costs, operating costs, and revenues;

(6) identifies sources of funds for operating subsidies and funding for final design, construction, and operation;

(7) describes an implementation method;

(8) describes a plan for public involvement and public information;

(9) defines anticipated agreements with the railroads; and

(10) addresses land use impacts.

The preliminary design plan may include the draft environmental impact statement for the proposed commuter rail facilities.

Subd. 3. PRELIMINARY ENGINEERING PLAN. "Preliminary engineering plan" means a commuter rail plan that includes those items in the advanced corridor plan that relate to facilities proposed for construction, but with additional detail and specificity in satisfaction of applicable environmental requirements.

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Subd. 4. **FINAL DESIGN PLAN.** “Final design plan” means a commuter rail plan that includes the items in the advanced corridor plan and the preliminary engineering plan, but with additional detail and specificity as needed for construction and operation.

Sec. 20. [174.82] COMMISSIONER'S DUTIES.

The commissioner shall be responsible for all aspects of planning, developing, constructing, operating, and maintaining commuter rail, including system planning, advanced corridor planning, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

Sec. 21. [174.84] COMMUTER RAIL SYSTEM PLANNING.

Subdivision 1. **GENERAL PLAN REQUIREMENTS.** By January 15, 2000, the commissioner shall adopt a commuter rail system plan to ensure that if commuter rail facilities are acquired, developed, constructed, owned, and operated in Minnesota, these activities will be done in an efficient, cost-effective manner, and in coordination with buses and other transportation modes and facilities. The commissioner shall consult with affected regional railroad authorities and may incorporate into its plan elements of the plans of regional railroad authorities in order to avoid duplication of efforts. The commissioner may periodically update the system plan.

Subd. 2. **APPROVAL OF COMMUTER RAIL SYSTEM PLAN.** The commuter rail system plan must be approved by metropolitan planning organizations in areas in which commuter rail will be located before the commissioner may begin final design of commuter rail facilities. Following approval of the plan, the commissioner shall act in conformity with the plan. The commissioner shall ensure that final design plans are consistent with the commuter rail plan.

Subd. 3. **ENGINEERING STANDARDS.** The plan must include engineering standards that provide for integrated operation of all commuter rail equipment, facilities, and services, including security, station design parameters, fare box systems, and safety.

Subd. 4. **INTEGRATION OF SYSTEM.** The commissioner and metropolitan planning organizations shall ensure that if commuter rail facilities are planned, designed, and implemented in Minnesota, they will be planned, designed, and implemented in such a way as to move transit users to, from, and within the metropolitan area, and to provide a unified, integrated, and efficient multimodal transportation system with rail transit lines that interface with each other and with other transportation facilities.

Sec. 22. [174.86] COMMUTER RAIL PLAN; REVIEW.

Subdivision 1. **ADVANCED CORRIDOR PLAN; PUBLIC HEARING.** Before a final design plan is prepared for commuter rail facilities, the commissioner must hold a public hearing on the physical design component of the advanced corridor plan. The commissioner must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The commissioner shall summarize the proceedings and testimony and maintain the record of a hearing held under this subdivision, including any written statements submitted.

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Subd. 2. PHYSICAL DESIGN COMPONENT; LOCAL PARTICIPATION.

At least 30 days before the hearing under subdivision 1, the commissioner shall submit the physical design component of the advanced corridor plan to the governing body of each statutory and home rule charter city, county, and town in which the route is to be located. Within 45 days after the hearing under subdivision 1, the city, county, or town shall review and comment on the plan. Within 45 days of the hearing, a city or town shall approve or disapprove the location and design of the station to be located in the city or town. A city or town that disapproves shall describe specific amendments to the plan that, if adopted, would cause the city or town to withdraw its disapproval. Failure to comment in writing within 45 days after the hearing is deemed to be accepted unless an extension of time is agreed to by the metropolitan planning organization and the commissioner of transportation.

Subd. 3. MODIFICATION OF ADVANCED CORRIDOR PLAN. After the hearing under subdivision 1, and after the receipt of comment under subdivision 2, the commissioner may modify the advanced corridor plan.

Subd. 4. ADVANCED CORRIDOR PLAN; METROPOLITAN PLANNING ORGANIZATION REVIEW. Before constructing commuter rail facilities, the commissioner shall submit the advanced corridor plan to each metropolitan planning organization in which the route is to be located. The metropolitan planning organization shall hold a hearing on the plan allowing the commissioner, local governmental units, and other persons to present their views as to whether the plan is consistent with the metropolitan planning organization's development guide. Within 60 days after the hearing, the metropolitan planning organization shall review the plan submitted by the commissioner to determine whether it is consistent with the development guide. If the plan is consistent with the development guide, the metropolitan planning organization shall approve it. If the plan is not consistent with the development guide, the metropolitan planning organization shall submit to the commissioner proposed amendments to the plan to make it consistent with the development guide. The commissioner shall incorporate the proposed amendments into the final design plan.

Subd. 5. COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE. (a) A commuter rail corridor coordinating committee shall be established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implementation method, construction of commuter rail, public involvement, land use, service, and safety. The commuter rail corridor coordinating committee shall consist of:

(1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;

(2) one member appointed by each county in which the corridors are located;

(3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;

(4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;

(5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; and

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(6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

Sec. 23. [174.88] COMMUTER RAIL FUNDING.

The commissioner, in cooperation with appropriate metropolitan planning organizations, may apply for funding from federal, state, regional, local, and private sources for commuter rail facility construction, operation, implementation, maintenance, and improvement.

Sec. 24. [174.90] COMMUTER RAIL OPERATION.

The commissioner may contract for operation of commuter rail facilities with the metropolitan council or other public or private entities and shall commence revenue service after an appropriate period of start-up to ensure satisfactory performance. The commissioner shall coordinate with transit providers to ensure integration of the commuter rail system with bus and light rail transit service to avoid duplication of service and to ensure the greatest access to commuter rail lines in suburban and urban areas.

Sec. 25. Minnesota Statutes 1998, section 221.0314, subdivision 9a, is amended to read:

Subd. 9a. **HOURS OF SERVICE EXEMPTIONS.** The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to March May 15 of each year;

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Sec. 26. Minnesota Statutes 1998, section 221.033, is amended by adding a subdivision to read:

Subd. 2c. **AGE OF PETROLEUM TANK TRUCK DRIVER.** A driver of a motorized tank truck vehicle having a capacity of less than 3,500 gallons, who is engaged in the intrastate transportation of petroleum products, must be at least 18 years of age.

Sec. 27. Minnesota Statutes 1998, section 222.63, subdivision 4, is amended to read:

Subd. 4. **DISPOSITION PERMITTED.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in

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the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than 50 feet.

Proceeds from a sale shall be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 28, Minnesota Statutes 1998, section 360.0151, subdivision 2, is amended to read:

Subd. 2. GRANTS AUTHORIZED. (a) The commissioner may make air service marketing grants to political subdivisions that own and operate airports ~~designated by order of the commissioner as key airports~~. The commissioner shall make a project agreement with each political subdivision receiving a grant under this section that provides for:

- (1) a detailed description of the project for which the grant is provided;
- (2) a schedule of the project; and
- (3) the division of costs of the project between the state and the recipient.

(b) Payments by the commissioner under a project agreement may only be made to reimburse local costs already incurred.

Sec. 29, Minnesota Statutes 1998, section 360.032, subdivision 1a, is amended to read:

Subd. 1a. MUNICIPALITY MAY ACQUIRE OR MOVE AIRPORT PROPERTY; REIMBURSEMENT. A municipality may exercise the powers set forth in this subdivision solely for the purpose of assisting the relocation of air navigation facilities, structures, and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality.

A municipality may acquire air navigation facilities, structures and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality. In lieu of such acquisition, the municipality may move and relocate such property to another public airport. The manner of acquisition of such property shall be in accordance with subdivision 2. The municipality may expend its funds to pay for the costs of such acquisition, moving and relocation. The commissioner may pay a portion of such acquisition, moving and relocation costs in accordance with the provisions of section 360.305, subdivision 4, ~~clause (2) paragraph (b) or (c).~~

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Sec. 30. Minnesota Statutes 1998, section 360.305, subdivision 4, is amended to read:

Subd. 4. **COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR CONSTRUCTION REVOLVING ACCOUNT.** ~~(1)~~ (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation; ~~these costs are referred to as project costs of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.~~

~~(2)~~ (b) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

~~(a)~~ (1) the project costs,

(b) (2) acquisition costs of the land and clear zones, which are referred to as "acquisition costs."²

(c) For any airport where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum of the project costs and acquisition costs.

~~(3)~~ (d) The commissioner may pay the total cost of radio and navigational aids.

(4) (e) Notwithstanding ~~clause (2) paragraph (b) or (c)~~, the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

~~(5)~~ (f) Notwithstanding ~~clause (2) paragraph (b) or (c)~~, the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this ~~clause paragraph~~ exceed five percent of the amount appropriated for construction grants.

~~(6)~~ (g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for a period of 20 years after the date that ~~the~~ any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality.

The agreement may contain other conditions as the commissioner deems reasonable.

~~(7)~~ (h) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are

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authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design. The commissioner shall transfer up to \$4,100,000 from the state airports fund to the hangar construction revolving account.

(8) (i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in ~~clause (6)~~ paragraph (g).

(9) (j) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971.

Sec. 31. Minnesota Statutes 1998, section 398A.04, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in this section, and in exercising the powers is deemed to be performing an essential governmental function and exercising a part of the sovereign power of the state, and is a local government unit and political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(a) sue and be sued, have a seal, which may but need not be affixed to documents as directed by the board, make and perform contracts, and have perpetual succession;

(b) acquire real and personal property within or outside its taxing jurisdiction, by purchase, gift, devise, condemnation, conditional sale, lease, lease purchase, or otherwise; or for purposes, including the facilitation of an economic development project pursuant to section 383B.81 or 469.091 or 469.175, subdivision 7, that also improve rail service; and

(c) hold, manage, control, sell, convey, lease, mortgage, or otherwise dispose of real or personal property; and

(d) make grants or otherwise appropriate funds to the department of transportation, the metropolitan council, or any other state or local governmental unit for the purposes described in subdivision 2 with respect to railroad facilities located or to be located within the authority's jurisdiction, whether or not the facilities will be acquired, constructed, owned, or operated by the authority.

Sec. 32. Minnesota Statutes 1998, section 398A.04, subdivision 2, is amended to read:

Subd. 2. **RAILROAD ACQUISITION AND OPERATION.** The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads and railroad facilities, including but

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not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock. The authority may not expend state or federal funds to engage in planning for or development of light rail transit or commuter rail transit, unless this activity is consistent with a plan adopted by the department of transportation under section 174.84 and a plan adopted by the metropolitan council under section 473.399, and is carried out pursuant to a memorandum of understanding executed by the authority and the commissioner after appropriate consultation with the metropolitan council.

Sec. 33. Minnesota Statutes 1998, section 398A.04, subdivision 9, is amended to read:

Subd. 9. **AGREEMENTS.** The authority may enter into joint powers agreements under section 471.59 or other agreements with the municipality or municipalities named in the organization agreement; ~~or~~ with other municipalities situated in the counties named in the resolution, respecting the matters referred to in section 398A.06 ~~or~~ with another authority; with a state agency; or with the metropolitan council about any matter subject to this chapter.

Sec. 34. Minnesota Statutes 1998, section 446A.085, subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT OF FUND.** A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects. A transit account is established in the fund for transit capital projects. The transportation revolving loan fund shall receive federal money under the act and money from any source ~~other than the trunk highway fund, the county state-aid highway fund, and the municipal state-aid street fund.~~ Money received under this section must be paid to the state treasurer and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the commissioner and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

Sec. 35. Minnesota Statutes 1998, section 446A.085, subdivision 6, is amended to read:

Subd. 6. **TRANSPORTATION COMMITTEE.** The transportation committee may ~~make~~ authorize the making of loans to borrowers by the authority for transportation purposes authorized by the act, without further action by the authority. The authority may not make loans for transportation purposes without the approval of the transportation committee. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee.

Sec. 36. Minnesota Statutes 1998, section 466.03, is amended by adding a subdivision to read:

Subd. 20. **USE OF LAND HELD UNDER SECTION 473.167.** Any claim based on the condition, use, or maintenance of land acquired and held by the municipality under section 473.167. Nothing in this subdivision limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person.

Sec. 37. Minnesota Statutes 1998, section 473.1466, is amended to read:

473.1466 **PERFORMANCE AUDIT; TRANSIT EVALUATION.**

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(a) In 1997 and every four years thereafter, the council shall provide for an independent entity selected through a request for proposal process conducted nationwide to do a performance audit of the commuting area's transportation system as a whole. The performance audit must evaluate the commuting area's ability to meet the region's needs for effective and efficient transportation of goods and people, evaluate future trends and their impacts on the region's transportation system, and make recommendations for improving the system. The performance audit must recommend performance-funding measures.

(b) ~~In 1997~~ 1999 and every ~~two~~ four years thereafter, the council must evaluate the performance of the metropolitan transit system's operation in relationship to the regional transit performance standards developed by the council.

Sec. 38. Minnesota Statutes 1998, section 473.399, is amended to read:

473.399 LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING.

Subdivision 1. **GENERAL REQUIREMENTS.** (a) The council shall adopt a plan to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities. The plan may be developed and adopted in phases corresponding to phasing of construction of light rail. ~~To the extent practicable, The council shall~~ may incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.

(b) The light rail transit plan or first phase of the plan required by this section must be adopted by the council before the commissioner of transportation may begin construction of light rail transit facilities. Following adoption of the plan, ~~each regional railroad authority and the commissioner of transportation shall act in conformity with the plan.~~ The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the light rail transit plan.

(c) Throughout the development and implementation of the plan, the council shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

Subd. 1a. **INTEGRATED TRANSPORTATION SYSTEM.** The commissioner of transportation, ~~and the metropolitan council, and the regional rail authorities shall ensure that the light rail transit and commuter rail facilities are planned, designed, and implemented:~~ (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Sec. 39. Minnesota Statutes 1998, section 473.3993, subdivision 3, is amended to read:

Subd. 3. **FINAL DESIGN PLAN.** "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

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(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including handicapped access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a ~~turn-key design-build~~ implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

The commissioner of transportation may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, the commissioner may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

Sec. 40. Minnesota Statutes 1998, section 473.3994, subdivision 3, is amended to read:

Subd. 3. **PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.** At least 30 days before the hearing under subdivision 2, the commissioner of transportation and the ~~regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing, ~~except that a county board need not hold a hearing if the county board membership is identical to the membership of the regional railroad authority submitting the plan for review.~~ Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town; and the commissioner of transportation; and the ~~regional railroad authority or authorities in whose jurisdiction the line or lines are located.~~

Sec. 41. Minnesota Statutes 1998, section 473.3994, subdivision 4, is amended to read:

Subd. 4. **PRELIMINARY DESIGN PLANS; COUNCIL REFERRAL.** If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the commissioner of transportation and the ~~regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ may refer the plans, along with any comments of local jurisdictions, to

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the metropolitan council. The council shall hold a hearing on the plans, giving the commissioner of transportation and ~~the regional railroad authority or authorities in whose jurisdiction the line or lines are located~~, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council shall review the plans submitted by the commissioner of transportation and ~~the regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ and the council shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. The commissioner ~~and the regional railroad authority~~ shall make the amendments to the plans before continuing the planning and designing process.

Sec. 42. Minnesota Statutes 1998, section 473.3994, subdivision 10, is amended to read:

Subd. 10. **CORRIDOR MANAGEMENT COMMITTEE.** A corridor management committee shall be established to advise the commissioner of transportation in the design and construction of light rail transit in each corridor to be constructed. The corridor management committee shall consist of the following members:

(1) ~~one member appointed by the joint powers board established under section 473.3998;~~

(2) one member appointed by each city and county in which the corridor is located;

(3) (2) the commissioner of transportation or a designee of the commissioner;

(4) (3) two members appointed by the metropolitan council, one of whom shall be designated as the chair of the committee;

(5) (4) one member appointed by the metropolitan airports commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and

(6) (5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The corridor management committee shall advise the commissioner of transportation and ~~the regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit.

Sec. 43. Laws 1998, chapter 404, section 17, subdivision 3, is amended to read:

Subd. 3. Transitways

46,500,000

(a) This appropriation is to match federal and local funding for the planning, design, engineering, and construction of transitways in the metropolitan area.

(b) \$40,000,000 is for the preliminary engineering, final design, and construction of

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light rail transit in the Hiawatha Avenue corridor from downtown Minneapolis through Minneapolis–St. Paul International Airport and the site of the former Met Center or surrounding area with a terminus in southern Hennepin or northern Dakota county.

The Hiawatha Avenue corridor management committee created pursuant to Minnesota Statutes, section 473.3994, subdivision 10, shall establish an advisory committee of:

- (1) individuals who reside near the proposed corridor;
- (2) representatives of businesses located within one mile on either side of the corridor; and
- (3) elected officials, including legislators, who represent the area in which the Hiawatha corridor is located.

The advisory committee shall advise the corridor management committee on issues relating to the preliminary engineering, final design, and construction of light rail facilities, including the proposed alignment for the corridor.

(c) The funds in this paragraph must be distributed as grants to appropriate county regional rail authorities upon execution of a work program memorandum of understanding with the commissioner as follows:

(1) \$3,000,000 to match federal funding for a major investment study, engineering, and implementation in the Riverview corridor between the east side of St. Paul and the Minneapolis–St. Paul International Airport and the Mall of America and in the central corridor between downtown St. Paul and downtown Minneapolis;

(2) \$1,500,000 to match federal funding for a major investment study, engineering, and implementation in the Northstar corridor linking downtown Minneapolis to the St. Cloud area and to study the feasibility of commuter rail and other transportation improvements within the corridor;

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(3) \$500,000 to study potential transit improvements and engineering studies in the Cedar Avenue corridor to link the Hiawatha, Riverview, and Northstar transit corridors with Dakota county; and

(4) \$500,000 to develop engineering documents for a commuter rail line from Minneapolis to downtown St. Paul through southern Washington county to Hastings.

The commissioner of transportation, in coordination with the North Star Corridor Joint Powers Authority and the St. Cloud area planning agency, shall study the transportation needs within the St. Cloud metropolitan area.

(d) \$1,000,000 is available as grants to appropriate county regional rail authorities to conduct major investment studies and to develop engineering documents for commuter rail lines in the following corridors:

- (1) the Young America corridor from Carver county to Minneapolis and St. Paul;
- (2) the Bethel corridor linking Cambridge with the Northstar corridor in Anoka county;
- (3) the Northwest corridor from downtown Minneapolis to the Northwest suburbs of Hennepin county; and
- (4) other commuter rail corridors identified in phase II of the department of transportation's commuter rail service study, except for the corridors identified in paragraph (c).

The appropriation in this paragraph is not available until the completion of the commuter rail service study as provided in Laws 1997, chapter 159, article 2, section 51. The funds may be made available only after approval by the commissioner of transportation of an application submitted by county regional rail authorities that is consistent with the results of the commuter rail service study and demonstrates a coordinated implementation strategy and upon execution of a work program memorandum of understanding with the commissioner.

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Sec. 44. CONSTRUCTION OF RAIL FACILITIES.

Neither the state nor any political subdivision may apply for federal assistance or receive any state appropriation or grant for light rail transit construction until the commissioner begins construction of light rail transit facilities in either the Riverview corridor, connecting the east side of St. Paul, the Minneapolis–St. Paul International Airport, and the Mall of America; or the central corridor, between downtown St. Paul and downtown Minneapolis. This prohibition does not apply to applications for federal funding or receipt of state funding for light rail transit in the Hiawatha corridor, connecting downtown Minneapolis, the Minneapolis–St. Paul International Airport, and the vicinity of the Mall of America; in the Riverview corridor; or in the central corridor.

Sec. 45. TRANSIT PLAN; REPORT.

A regional master plan for transit must be developed by the metropolitan council, in consultation with the commissioner of transportation and the regional railroad authorities in the metropolitan area. The plan must be completed for presentation to the legislature by February 1, 2000. The plan must include bus and rail development and must be balanced. It must include bus, busway, and light rail transit investments based on:

- (1) population density;
- (2) employment concentrations and job density;
- (3) transit dependent segments of the population;
- (4) redevelopment and reinvestment;
- (5) opportunities in the core of the region; and
- (6) adequacy of existing transportation corridors.

Sec. 46. REPEALER.

Minnesota Statutes 1998, sections 169.832, subdivision 13; 169.974, subdivision 6; 473.3994, subdivision 12; and 473.3998, are repealed.

Sec. 47. EFFECTIVE DATES.

Sections 1, 2, 7, 8, and 26, are effective the day following final enactment. Sections 3 to 6, 9, 12, 15, 17, 28 to 30, 34, and 35, are effective July 1, 1999.

Presented to the governor May 21, 1999

Signed by the governor May 25, 1999, 11:31 a.m.

CHAPTER 231—S.F.No. 2226

An act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 1998, sections 14.386; 16A.531, by adding a subdivision; 16B.171, as amended; 17.03, by adding a subdivision; 17.038; 17.102, subdivision 4; 17.109, subdivision 1;

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