

**CHAPTER 306—S.F.No. 3058**

*An act relating to transportation; authorizing urban partnership agreements to provide for user fees for use of high-occupancy vehicle lanes and dynamic shoulder lanes; exempting commissioner of transportation from rulemaking regarding urban partnership agreements, toll facilities, and final layouts for highways; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 160.02, by adding a subdivision; 160.93; 169.01, subdivision 31, by adding a subdivision; 169.306.*

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

Section 1. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision to read:

Subd. 18a. **Dynamic shoulder lane.** "Dynamic shoulder lane" means the shoulder of a freeway on which the commissioner may allow the operation of vehicles during certain periods.

Sec. 2. Minnesota Statutes 2006, section 160.93, is amended to read:

**160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.**

Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to individuals traveling in a trunk highway corridor, the commissioner of transportation may charge user fees to owners or operators of single-occupant vehicles using dynamic shoulder lanes as designated by the commissioner and any designated high-occupancy vehicle lanes. The fees may be collected using electronic or other toll-collection methods and may vary in amount with the time of day and level of traffic congestion within the corridor. The commissioner shall consult with the Metropolitan Council and obtain necessary federal authorizations before implementing user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this section are not subject to section 16A.1283.

Subd. 2. **Deposit of revenues; appropriation.** (a) Except as provided in subdivision 2a, money collected from fees authorized under subdivision 1 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue fund. A separate account must be established for each trunk highway corridor. Money in the account is appropriated to the commissioner.

(b) From this appropriation the commissioner shall first repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing and administering the fee collection system for that corridor.

(c) The commissioner shall spend remaining money in the account as follows:

(1) one-half must be spent for transportation capital improvements within the corridor; and

(2) one-half must be transferred to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.

**Subd. 2a. I-35W high-occupancy vehicle and dynamic shoulder lane account.**

(a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to \$1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of \$1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections 160.84 to 160.92 and 161.162 to 161.167.

Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance with the requirements of the commissioner. A person who violates this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor traffic offense.

Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders as defined in section 169.01, subdivision 73. The commissioner may prescribe the conditions under which the lanes may be used.

(b) The commissioner may not operate a dynamic shoulder lane on marked Trunk Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along this portion of marked Trunk Highway 35W may only be used by:

- (1) a vehicle with more than one occupant;
  - (2) a single-occupant vehicle if the fee under subdivision 1 is paid;
  - (3) a transit bus providing public transit, as defined in section 174.22, subdivision 7; and
  - (4) an authorized emergency vehicle, as defined in section 169.01, subdivision 5.
- (c) The commissioner shall erect signs to indicate when the lanes may be used.

Sec. 3. Minnesota Statutes 2006, section 169.01, subdivision 31, is amended to read:

Subd. 31. **Roadway.** "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. During periods when the commissioner allows the use of dynamic shoulder lanes as defined in subdivision 96, roadway includes that shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sec. 4. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 96. **Dynamic shoulder lane.** "Dynamic shoulder lane" has the meaning given in section 160.02, subdivision 18a.

Sec. 5. Minnesota Statutes 2006, section 169.306, is amended to read:

**169.306 USE OF SHOULDERS BY BUSES.**

(a) The commissioner of transportation may permit the use by transit buses and metro mobility buses of a shoulder of a freeway or expressway, as defined in section 160.02, in the seven-county metropolitan area.

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall also permit the use on that shoulder of a bus with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, while operating in intrastate commerce.

(c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main line traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder may not exceed the speed of main line traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation.

(d) For the purposes of this section, the term "metro mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is:

- (1) operated by the Metropolitan Council, or operated by a public or private entity receiving financial assistance from the Metropolitan Council; and
- (2) authorized by the council to use freeway or expressway shoulders.
- (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

Sec. 6. **REPORT ON URBAN PARTNERSHIP AGREEMENT.**

By January 15, 2009, and on January 15 each year through 2014, the commissioner of transportation, in conjunction with the Metropolitan Council, shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation concerning the status of the state's participation in the urban partnership agreement. The report must:

- (1) present the elements of congestion reduction strategies to be implemented under the urban partnership agreement;
- (2) summarize average daily traffic and congestion levels on affected roadways;
- (3) summarize transit usage in affected corridors;
- (4) identify the costs of participation and the sources of funding secured or to be secured;
- (5) include information on revenues and expenditures under the urban partnership agreement;
- (6) summarize any user fees collected on I-35W high-occupancy vehicle and dynamic shoulder lanes; and
- (7) recommend any further legislative action necessary for the successful implementation and operation of the urban partnership agreement.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Presented to the governor May 8, 2008

Signed by the governor May 11, 2008, 4:53 p.m.