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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 1408

02/20/2017 Authored by Bernardy and Hausman  
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act  
1.2 relating to transportation; providing for county consent on certain trunk highway  
1.3 projects; amending Minnesota Statutes 2016, sections 161.162, subdivisions 2, 4;  
1.4 161.163, subdivision 2; 161.164, subdivisions 1, 2; 161.165, subdivision 5; 161.166,  
1.5 subdivision 5; 161.3412, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2016, section 161.162, subdivision 2, is amended to read:

1.8 Subd. 2. **Final layout.** (a) "Final layout" means geometric layouts and supplemental  
1.9 drawings that show the location, character, dimensions, access, and explanatory information  
1.10 about the highway construction or improvement work being proposed. "Final layout"  
1.11 includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges,  
1.12 approximate right-of-way limits, existing ground line and proposed grade line of the highway,  
1.13 turn lanes, access points and closures, sidewalks, proposed design speed, noise walls, transit  
1.14 considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas,  
1.15 existing right-of-way, traffic volume and turning movements, location of storm water  
1.16 drainage, location of municipal utilities, project schedule and estimated cost, and the name  
1.17 of the project manager.

1.18 (b) "Final layout" does not include a cost participation agreement. For purposes of this  
1.19 subdivision "cost participation agreement" means a document signed by the commissioner  
1.20 and the governing body of a municipality or county that states the costs of a highway  
1.21 construction project that will be paid by the municipality or county.

2.1 Sec. 2. Minnesota Statutes 2016, section 161.162, subdivision 4, is amended to read:

2.2 Subd. 4. **Governing body.** "Governing body" means the elected council of a municipality  
2.3 or county.

2.4 Sec. 3. Minnesota Statutes 2016, section 161.163, subdivision 2, is amended to read:

2.5 Subd. 2. **Traffic safety measures.** Nothing contained in sections 161.162 to 161.167  
2.6 limits the power of the commissioner to regulate traffic or install traffic-control devices or  
2.7 other safety measures on trunk highways located within municipalities or counties regardless  
2.8 of their impact on access or traffic capacity or on the need for additional right-of-way.

2.9 Sec. 4. Minnesota Statutes 2016, section 161.164, subdivision 1, is amended to read:

2.10 Subdivision 1. **Submission of final layout.** Before proceeding with the construction,  
2.11 reconstruction, or improvement of any route on the trunk highway system lying within any  
2.12 municipality or county, the commissioner shall submit to its governing body a final layout  
2.13 and project report covering the purpose, route location, and proposed design of the highway.  
2.14 The final layout must be submitted as part of a report containing any supporting data that  
2.15 the commissioner deems helpful to the governing body in reviewing the final layout  
2.16 submitted. The supporting data must include a good-faith cost estimate of all the costs in  
2.17 which the governing body is expected to participate. The final layout must be submitted  
2.18 before final decisions are reached so that meaningful early input can be obtained from the  
2.19 municipality or county.

2.20 Sec. 5. Minnesota Statutes 2016, section 161.164, subdivision 2, is amended to read:

2.21 Subd. 2. **Governing body action.** (a) Within 15 days of receiving a final layout from  
2.22 the commissioner, the governing body shall schedule a public hearing on the final layout.  
2.23 The governing body shall, within 60 days of receiving a final layout from the commissioner,  
2.24 conduct a public hearing at which the Department of Transportation shall present the final  
2.25 layout for the project. The governing body shall give at least 30 days' notice of the public  
2.26 hearing.

2.27 (b) Within 90 days from the date of the public hearing, the governing body shall approve  
2.28 or disapprove the final layout in writing, as follows:

2.29 (1) If the governing body approves the final layout or does not disapprove the final  
2.30 layout in writing within 90 days, in which case the final layout is deemed to be approved,  
2.31 the commissioner may continue the project development.

3.1 (2) If the final construction plans contain changes in access, traffic capacity, or acquisition  
3.2 of permanent right-of-way from the final layout approved by the governing body, the  
3.3 commissioner shall resubmit the portion of the final construction plans where changes were  
3.4 made to the governing body. The governing body must approve or disapprove the changes,  
3.5 in writing, within 60 days from the date the commissioner submits them.

3.6 (3) If the governing body disapproves the final layout, the commissioner may make  
3.7 modifications requested by the municipality or county, decide not to proceed with the project,  
3.8 or refer the final layout to an appeal board. The appeal board shall consist of one member  
3.9 appointed by the commissioner, one member appointed by the governing body, and a third  
3.10 member agreed upon by both the commissioner and the governing body. If the commissioner  
3.11 and the governing body cannot agree upon the third member, the chief justice of the Supreme  
3.12 Court shall appoint a third member within 14 days of the request of the commissioner to  
3.13 appoint the third member.

3.14 Sec. 6. Minnesota Statutes 2016, section 161.165, subdivision 5, is amended to read:

3.15 Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set  
3.16 of final construction plans to the municipality or county at least 45 days before the bid  
3.17 opening for informational purposes.

3.18 Sec. 7. Minnesota Statutes 2016, section 161.166, subdivision 5, is amended to read:

3.19 Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set  
3.20 of final construction plans to the municipality or county at least 45 days before the bid  
3.21 opening for informational purposes.

3.22 Sec. 8. Minnesota Statutes 2016, section 161.3412, subdivision 4, is amended to read:

3.23 Subd. 4. **Municipal or county consent.** Use of the design-build method of state  
3.24 transportation project delivery is subject to state law concerning municipal or county consent  
3.25 to highways in municipalities or counties.