

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 912

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1.1 A bill for an act

1.2 relating to transportation; requiring low-occupancy vehicles to pay a fee for using

1.3 MnPASS lanes; repealing MnPASS lane rulemaking exemption; requiring

1.4 Department of Transportation to issue a request for information relating to the

1.5 operation of MnPASS lanes; requiring a report; amending Minnesota Statutes

1.6 2018, section 160.93, subdivisions 1, 2, 4, 5, by adding a subdivision; repealing

1.7 Minnesota Statutes 2018, section 160.93, subdivisions 2a, 3.

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

1.9 Section 1. Minnesota Statutes 2018, section 160.93, subdivision 1, is amended to read:

1.10 Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to

1.11 individuals traveling in a trunk highway corridor, the commissioner of transportation may

1.12 charge user fees to owners or operators of ~~single-occupant~~ low-occupancy vehicles using

1.13 dynamic shoulder lanes as designated by the commissioner and any designated

1.14 high-occupancy vehicle lanes. The fees may be collected using electronic or other

1.15 toll-collection methods and may vary in amount with the time of day and level of traffic

1.16 congestion within the corridor. The commissioner shall consult with the Metropolitan

1.17 Council and obtain necessary federal authorizations before implementing user fees on a

1.18 high-occupancy vehicle lane or dynamic shoulder lane. Fees under this section are not

1.19 subject to section 16A.1283.

1.20 Sec. 2. Minnesota Statutes 2018, section 160.93, subdivision 2, is amended to read:

1.21 Subd. 2. **Deposit of revenues; appropriation.** (a) ~~Except as provided in subdivision~~

1.22 ~~2a,~~ Money collected from fees authorized under subdivision 1 must be deposited in a

1.23 high-occupancy vehicle lane user fee account in the special revenue fund. A separate account

2.1 must be established for each trunk highway corridor. Money in the account is appropriated
2.2 to the commissioner.

2.3 (b) From this appropriation the commissioner shall ~~first~~:

2.4 (1) first, repay the trunk highway fund and any other fund source for money spent to
2.5 install, equip, or modify the corridor for the purposes of subdivision 1, and then shall;

2.6 (2) second, pay all the costs of implementing and administering the fee collection system
2.7 for that corridor;

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

2.9 ~~(1) one-half must be spent~~ (3) third, pay for transportation capital improvements within
2.10 the corridor; ~~and~~

2.11 (4) fourth, pay for maintenance of the corridor; and

2.12 ~~(2) one-half must be transferred~~ (5) fifth, transfer any funds not spent according to clauses
2.13 (1) to (4) to the Metropolitan Council for expansion and improvement of bus transit services
2.14 within the corridor beyond the level of service provided on the date of implementation of
2.15 subdivision 1.

2.16 Sec. 3. Minnesota Statutes 2018, section 160.93, subdivision 4, is amended to read:

2.17 Subd. 4. **Prohibition.** No person may operate a ~~single-occupant~~ low-occupancy vehicle
2.18 in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance
2.19 with the requirements of ~~the commissioner~~ this section. A person who violates this
2.20 subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions
2.21 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable to the commission
2.22 of a petty misdemeanor traffic offense.

2.23 Sec. 4. Minnesota Statutes 2018, section 160.93, subdivision 5, is amended to read:

2.24 Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic
2.25 shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes as
2.26 priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders as defined
2.27 in section 169.011, subdivision 74. The commissioner may prescribe the conditions under
2.28 which the lanes may be used.

2.29 (b) The commissioner may not operate a dynamic shoulder lane on marked Trunk
2.30 Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with

3.1 marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along this
 3.2 portion of marked Trunk Highway 35W may only be used by:

3.3 (1) a vehicle with more than one occupant;

3.4 (2) a ~~single-occupant~~ low-occupancy vehicle if the fee under subdivision 1 is paid;

3.5 (3) a transit bus providing public transit, as defined in section 174.22, subdivision 7;

3.6 and

3.7 (4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.

3.8 (c) The commissioner shall erect signs to indicate when the lanes may be used.

3.9 Sec. 5. Minnesota Statutes 2018, section 160.93, is amended by adding a subdivision to
 3.10 read:

3.11 Subd. 6. **Low-occupancy vehicle.** For purposes of this section, a "low-occupancy vehicle"
 3.12 is a motor vehicle with an occupancy of one or two individuals.

3.13 Sec. 6. **REQUEST FOR INFORMATION FOR OPERATION OF MNPASS LANES.**

3.14 (a) No later than June 1, 2019, the commissioner of transportation must issue a request
 3.15 for information as described in this section. The request for information must obtain advice
 3.16 from qualified vendors regarding the feasibility of using a private entity to operate and
 3.17 administer MnPASS lanes.

3.18 (b) The request for information must be designed to obtain information that includes:

3.19 (1) feasibility, costs, and a preliminary estimated timeline or schedule for the private
 3.20 entity to assume responsibility for operating and administering MnPASS lanes; and

3.21 (2) capacity and experience of a potential entity.

3.22 (d) The request for information under this section must be published in the State Register
 3.23 and on the Department of Administration's website at least 14 days prior to closing. The
 3.24 request must otherwise be administered according to the requirements of Minnesota Statutes,
 3.25 chapter 16C, to the extent applicable, except that a vendor's submission does not constitute
 3.26 a response to a solicitation, as defined in Minnesota Statutes, section 16C.02, subdivision
 3.27 14. The commissioner is prohibited from using a vendor submission in response to a request
 3.28 for information under this section to enter a contract unless the terms of the submission are
 3.29 later included in a vendor's response to a formal solicitation, as defined in Minnesota Statutes,
 3.30 section 16C.02, subdivision 7.

4.1 (e) No later than September 1, 2019, the commissioner must submit a report to the chairs
4.2 and ranking minority members of the house of representatives and senate committees with
4.3 jurisdiction over transportation finance. The report must summarize the responses and
4.4 information received from qualified entities under this section.

4.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.6 Sec. 7. **REPEALER.**

4.7 Minnesota Statutes 2018, section 160.93, subdivisions 2a and 3, are repealed.

4.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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

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.