

CHAPTER 473A

TWIN CITIES AREA  
METROPOLITAN TRANSIT COMMISSION ACT

Sec.	
473A.01	Definitions
473A.02	Legislative determination, policy and purpose
473A.03	Metropolitan transit area, establishment
473A.04	Metropolitan transit commission
473A.05	Commission; powers and operation
473A.051	Transportation policy plans; federal programs
473A.06	Development program
473A.07	Metropolitan transit commission; finances
473A.08	Bonds
473A.09	Commission; special provisions
473A.10	Labor provisions
473A.11	Commission; taking over personnel and contracts of joint powers transit commission
473A.111	Transit tax levies
473A.112	Limitation of levy

Sec.	
473A.12	Commission; annual reports
473A.13	Commission; exemption from taxation
473A.14	Property tax in lieu of wheelage tax if invalidated
473A.15	Multi-purpose metropolitan agency; subsequent creation by legislature
473A.16	Exclusive jurisdiction
473A.17	Severability of provisions
473A.18	Citation
473A.21	Metropolitan transit commission; promotion of use of car pools and employer vans
473A.22	Definitions
473A.23	Powers and duties of commission
473A.24	Employer vans acquisition program
473A.25	Reports
473A.26	Employer vans revolving fund
473A.27	Freeway exclusive lanes
473A.28	Financing; tax levies

✕ **473A.01 DEFINITIONS.** Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 473A.01 to 473A.18 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Metropolitan transit area" or "transit area" or "area" or "MTA" means the metropolitan transit area hereinafter established.

Subd. 3. "Metropolitan transit commission" or "transit commission" or "commission" means the metropolitan transit commission hereinafter created.

Subd. 4. "Transit commissioner" or "commissioner" means a member of the commission.

Subd. 5. "Municipality" or "municipal corporation" means any city or town.

Subd. 6. "Elected chief executive" means the mayor of a city, chairman of a town board, or other corresponding chief elected officer of a municipality.

Subd. 7. "Person" means any human being, any municipality or other public corporation or other public agency, any private corporation, any copartnership, joint stock company or other company, association or other organization, or any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, but does not include the commission.

Subd. 8. "Public transit" means transportation of passengers for hire by means, without limitation, of a street railway, elevated railway, subway, underground railroad, motor vehicles, buses, or other means of conveyance operating as a common carrier on a regular route or routes, or any combination thereof; provided, however, that "public transit" shall not include a common carrier railroad or common carrier railroads.

Subd. 9. "Public transit system" means, without limitation, a combination of property, structures, improvements, equipment, plants, parking or other facilities, and rights, or any thereof, used or useful for the purposes of public transit.

Subd. 10. "Mass transit system" means a public transit system the primary function of which is to provide rapid public transit for large numbers of passengers.

Subd. 11. "Operator" means any person engaged or seeking to engage in the business of providing public transit, but does not include persons engaged primarily in the transportation of children to or from school, in operating taxicabs, in operating buses, limousines, or other means for the transportation of passengers between a common carrier terminal station and a hotel or motel, in operating a common carrier railroad or common carrier railroads, or a person furnishing transportation solely for his or its employees or customers.

Subd. 12. "Metropolitan council" or "council" means the metropolitan council created by Minnesota Statutes 1971, Section 473B.02.

[1967 c 892 s 1; 1973 c 123 art 5 s 7; 1974 c 422 art 3 s 1-3]

✕ **473A.02 LEGISLATIVE DETERMINATION, POLICY AND PURPOSE.** The legislature finds and determines that nearly half the people of the state live in the metropolitan transit area hereinafter established. The population of that area is

# MINNESOTA STATUTES 1974

5423

## METROPOLITAN TRANSIT COMMISSION ACT 473A.05

growing faster than in any other area of the state, and it is continually visited by large numbers of people from other parts of the state, resulting in a heavy and steadily increasing concentration of resident and transient population and creating serious problems of public transit and public highway traffic in the area. The present public transit systems in the area consist largely of bus lines using the public highways and streets. These systems are inadequate to meet the needs for public transit in the area. A major part of the transportation of people in the area is provided by private motor vehicles. All of the foregoing adds heavily to the traffic load on the state highways which constitute the main routes of travel to, from, and through the area, aggravating the congestion and danger of accidents thereon, polluting the surrounding air, intensifying the wear and tear on those highways and streets, increasing the cost of maintenance thereof, and the number, size, and cost of new highways that must be constructed in the area. These effects will progressively grow worse as the population of the area increases, imposing serious handicaps on the business, industry, property development, recreation, and other beneficial activities of the residents of the area and visitors thereto, and causing severe and widespread harm to the public health, safety and welfare of the area and the entire state. It is beyond the capacity of the present operators of public transit systems and other existing public and private agencies unassisted to make adequate provision for public transit in the area or for dealing effectively with the aforesaid problems and conditions therein. The legislature therefore declares as the public policy of the state that for the protection and advancement of the public health, safety, and welfare of the metropolitan transit area and the entire state, and in order to provide for adequate public transit within the area, reduce the traffic congestion and hazards on the state and other highways and streets therein, and relieve the other harmful conditions aforesaid, there is urgent need for the establishment of that area as herein defined, for the creation of a metropolitan transit commission therefor with the powers and duties herein prescribed, for the implementation of a comprehensive transportation policy plan for the area and for the other measures herein provided for.

[1967 c 892 s 2; 1974 c 422 art 3 s 4]

✕ **473A.03 METROPOLITAN TRANSIT AREA, ESTABLISHMENT.** There is hereby established a metropolitan transit area comprising the counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver.

[1967 c 892 s 3; 1974 c 422 art 3 s 5]

✕ **473A.04 METROPOLITAN TRANSIT COMMISSION.** Subdivision 1. **Commission; creation and composition.** There is hereby created a metropolitan transit commission for the metropolitan area, composed of nine members, herein called commissioners or members, which commission shall be organized, structured and administered as provided in this chapter and Laws 1974, Chapter 422, Article 1.

Subd. 2. [Repealed, 1974 c 422 art 3 s 13]

Subd. 3. [Repealed, 1974 c 422 art 3 s 13]

Subd. 4. [Repealed, 1974 c 422 art 3 s 13]

Subd. 5. [Repealed, 1974 c 422 art 3 s 13]

Subd. 6. [Repealed, 1974 c 422 art 3 s 13]

Subd. 7. [Repealed, 1974 c 422 art 3 s 13]

Subd. 8. [Repealed, 1974 c 422 art 3 s 13]

Subd. 9. [Repealed, 1974 c 422 art 3 s 13]

Subd. 10. [Repealed, 1974 c 422 art 3 s 13]

Subd. 11. [Repealed, 1974 c 422 art 3 s 13]

Subd. 12. [Repealed, 1974 c 422 art 3 s 13]

Subd. 13. [Repealed, 1974 c 422 art 3 s 13]

Subd. 14. [Repealed, 1974 c 422 art 3 s 13]

[1967 c 892 s 4; 1969 c 947 s 1-3; 1971 c 830 s 1; 1974 c 422 art 3 s 6]

**473A.05 COMMISSION; POWERS AND OPERATION.** Subdivision 1. [Repealed, 1974 c 422 art 3 s 13]

Subd. 2. [Repealed, 1974 c 422 art 3 s 13]

Subd. 3. [Repealed, 1974 c 422 art 3 s 13]

# MINNESOTA STATUTES 1974

## 473A.05 METROPOLITAN TRANSIT COMMISSION ACT

5424

Subd. 4. [Repealed, 1974 c 422 art 3 s 13]

Subd. 5. [Repealed, 1974 c 422 art 3 s 13]

Subd. 6. [Repealed, 1974 c 422 art 3 s 13]

473A.05  
X Subd. 7. **Commission; legal status; general powers.** (a) The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 473A.01 to 473A.18 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area, all subject to the provisions of Minnesota Statutes 1967, Section 473A.16. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission.

(b) The commission shall have the power to plan, engineer, construct, equip, and operate transit systems, transit projects, or any parts thereof, including transit lanes or rights of way, terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any public transit system. The commission may acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights of any kind for such purposes, or which may be necessary or proper for the discharge of its powers and duties. The commission shall have the power to acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission may not acquire any existing public transit system until such acquisition has been approved by a majority of the metropolitan council. The commission may hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of any of its property or rights to others and may contract with any operator or other persons for the use by any such operator or person of any such property or facilities under its control.

The commission, if it proceeds to acquire any existing public transit system or any part thereof by condemnation, shall have the power to take control of and operate such system immediately following the filing and approval of the initial petition for condemnation, if the commission, in its discretion, determines such action to be necessary. This power shall include the possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Such action shall be taken by resolution which shall be effective upon service of a copy thereof on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements made by the transit commission.

The commission may continue or terminate within three months of acquisition any advertising contract in existence by and between any advertiser and a transit system that the commission has acquired. If the commission determines to terminate such advertising contract, it shall acquire all of the advertiser's rights under the contract by purchase or eminent domain proceedings as provided by law.

The commission may sue and be sued and may enter into contracts which may be necessary or proper. The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance

# MINNESOTA STATUTES 1974

5425

## METROPOLITAN TRANSIT COMMISSION ACT 473A.05

of the provisions of sections 473A.01 to 473A.18, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

× Subd. 8. **Operations.** Notwithstanding any of the other provisions of sections 473A.01 to 473A.18, the commission shall have powers, in lieu of directly operating any public transit system, or any part thereof, to enter into management contracts with any persons, firms, or corporations for the management of said system for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the commission and such persons, firms, or corporations.

Such persons, firms, or corporations entering into management contracts with the commission may employ necessary personnel for the operation and maintenance of said system as well as perform consulting and supervisory services for the commission. An incentive fee may be included in any management contract that is negotiated. The employees of any public transit system operated pursuant to the provisions of this subdivision shall, in case of any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, have the right, for the purpose of resolving such dispute, either to engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Whenever the commission shall directly operate any public transit system, or any part thereof, or enter into any management contract or other arrangement for the operation thereof, the commission shall take such action as may be necessary to extend to employees of affected public transit systems in the area, in accordance with seniority, the first opportunity for reasonably comparable employment in any available non-supervisory jobs in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employees position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits, and rights and privileges pertaining thereto.

The commission may enter into an agreement specifying fair and equitable arrangements to protect the interests of employees who may be affected if the commission should acquire any interest in or purchase any facilities or other property of a private transit system, or construct, improve, or reconstruct any such facilities or other such property acquired from any such system, or provide by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing transit system. Such agreement, specifying the terms and conditions of the protective arrangements, shall comply with any applicable requirements of this chapter, and with the requirements of any federal law or regulation if federal aid is involved. Such an agreement may provide for final and binding arbitration of any dispute.

× Subd. 9. **Commission; rules and regulations.** The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 473A.01 to 473A.18 upon like procedure and with like force and effect as provided for state agencies by sections 15.0411 to 15.0422, and acts amendatory thereof and supplementary thereto.

× Subd. 10. **Commission budget; approval thereof.** The commission shall prepare, submit and adopt a budget in the manner provided in, and otherwise comply with, the provisions of section 473B.063.

× Subd. 11. **Approval of highway projects.** Before acquiring land for or constructing a controlled access highway in the area, hereinafter a project, the state highway department or local government unit proposing such acquisition or construction shall submit to the council a statement describing the proposed project. The statement shall be in the form and detail required by the council. Immediately upon receipt of the statement, the council shall transmit a copy to the commission, which shall review and evaluate the project in relationship to the development program and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No such project may be undertaken unless the council determines that it is consistent with the policy plan and development program. This ap-

# MINNESOTA STATUTES 1974

## 473A.051 METROPOLITAN TRANSIT COMMISSION ACT

5426

proval shall be in addition to the requirements of any other statute, ordinance or regulation.

[1967 c 892 s 5; 1969 c 625 s 1, 2, 10, 12; 1971 c 798 s 1; 1971 c 830 s 2, 3; 1974 c 422 art 3 s 7, 10]

### 473A.051 TRANSPORTATION POLICY PLANS; FEDERAL PROGRAMS.

**Subdivision 1. Transportation policy plan.** The council shall adopt a transportation policy plan as a part of its comprehensive development guide as in section 473B.06, subdivision 5a hereof, which shall include policies, relating to all transportation forms. The plan shall be designed to promote the legislative determinations, policies and purposes set forth in section 473A.02 to the end of providing the area an integrated and efficient transportation system. In addition to the requirements of section 473B.06, subdivision 5a regarding the use of the expertise of the commission, the state highway department and affected counties and municipalities may provide such technical assistance as may be requested by the council.

**Subd. 2. Council; coordinating agency.** The metropolitan council shall be the designated planning agency for any long-range comprehensive transportation planning required by Section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and such other federal transportation laws as may hereinafter be enacted. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and together with the commission shall establish such an advisory body consisting of citizen representatives, commission, municipality, county and appropriate state agency representatives in fulfillment of the planning responsibilities of the council and the commission.

**Subd. 3. Federal aid.** For the purposes of this subdivision the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. If necessary to meet federal requirements, the council and the commission may be considered a single eligible unit to carry out their respective responsibilities. The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

[1974 c 422 art 3 s 8]

**473A.06 DEVELOPMENT PROGRAM.** Subdivision 1. [Repealed, 1974 c 422 art 3 s 13]

**Subd. 1a. Development program.** The commission shall prepare and submit in the manner provided in and satisfying the requirements of section 473B.062, a transportation development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state highway department

# MINNESOTA STATUTES 1974

5427

## METROPOLITAN TRANSIT COMMISSION ACT 473A.06

and the state planning agency, and for that purpose may create such advisory committees as may be necessary.

Such program shall provide for coordination of routes and operations of all publicly and privately owned transportation facilities within the area to the end that combined efficient and rapid transportation may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration transportation project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The transportation development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The transportation development program shall also contain a description of the type of right of way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program may include such other information as the council or the commission deems necessary.

✓ Subd. 2. **Improvement of existing public transit systems.** The commission, as a primary objective, shall make recommendations and suggestions to improve public transit systems now or hereafter operating in the transit area and strengthen the operation thereof by assisting the operators in experimenting with new services, extending routes, adjusting fares, and other appropriate expedients. The commission may enter into a prior agreement to reimburse any such operator for any losses incurred resulting from any experimentation conducted with routes, fares or equipment.

✓ Subd. 3. **Combination of mass transit and public highway systems; services of department of highways.** The mass transit system specified in subdivision 1 shall be designed, as far as practicable, so as to provide, in combination with public highways, adequate means and facilities of maximum attainable efficiency for public transportation to, from, and within the metropolitan transit area, and to relieve the congestion, traffic hazards, and other objectionable conditions aforesaid on the public highways caused by lack of adequate provisions for public transit. In planning, designing, and constructing the mass transit system the commission may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commissioner of highways can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the commission shall have final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of highways may furnish all engineering, legal, and other services, if so requested by the commission and upon fair and reasonable reimbursement for the cost thereof by the commission, which the commission requests for the purposes stated in this subdivision, including the acquisition by purchase, condemnation, or otherwise in the name of the commission of all lands, waters, easements, or other rights or interests in lands or waters required by the commission.

✓ Subd. 4. **State highways; joint use for transit and highways purposes.** Wherever the joint construction or use of a state highway is feasible in fulfilling the purposes of sections 473A.01 to 473A.18, the commission shall enter into an agreement with the commissioner of highways therefor, evidenced by a memorandum setting forth the terms of the agreement. Either the commission or the commissioner of highways may acquire any additional lands, waters, easements or other rights or interests therein required for such joint use in accordance with said agreement, or joint acquisition may be made by condemnation as provided by section 117.016 and the provisions of this chapter. Under any such agreement each party shall pay to the other party reasonable compensation for the costs of any services performed at the request of the other party which may include any costs of engineering, design, acquisition of property, construction of the facilities, and for the use thereof so far as attributable to and necessary for said purposes.

✓ Subd. 5. **Use of public roadways and appurtenances.** The commission shall have the right to use for the purposes of sections 473A.01 to 473A.18 upon the conditions hereinafter stated any state highway or other public roadway or lane thereof, or

# MINNESOTA STATUTES 1974

## 473A.07 METROPOLITAN TRANSIT COMMISSION ACT

5428

any bridge or tunnel or other appurtenance of such roadway, without payment of any compensation therefor, provided such use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance thereof; provided further, that the provisions of this subdivision shall not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance shall not be required, but if such agency objects to the proposed use or claims reimbursement from the commission for additional cost of maintenance, it may commence an action against the commission in the district court of the county wherein such highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in such action shall conform to the rules of civil procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin such use by the commission. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of such additional costs. Otherwise the court shall award judgment to the commission. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The commission may also use land within the right of way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions hereinafter stated and subject only to the approval of the commissioner of highways where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

[1967 c 892 s 6; 1969 c 625 s 3-5; 1973 c 35 s 78; 1974 c 422 art 3 s 9]

473A.065 [Repealed, 1974 c 422 art 3 s 13]

X **473A.07 METROPOLITAN TRANSIT COMMISSION; FINANCES.** Subdivision 1. **MTA wheelage tax; classification of motor vehicles.** For the purposes of the MTA wheelage tax hereinafter provided for, all motor vehicles which use public streets or highways within the metropolitan transit area, which are kept at any place within the area when not in operation, and which are subject by law to annual registration and payment of a state motor vehicle tax are hereby classified, in addition to and without superseding any other classification, as metropolitan transit area motor vehicles, to be known as class MTA motor vehicles. Any motor vehicle which is or is to be so kept and so subject at any time during the calendar year or years for which such tax is levied shall be presumed to be within such class and subject to the MTA wheelage tax for such year or years.

X Subd. 2. **MTA wheelage tax; levy; purposes.** To provide funds for the purposes of sections 473A.01 to 473A.18 the metropolitan transit commission on or before August 1 in any year shall levy on all class MTA motor vehicles a wheelage tax, known as the metropolitan transit area or MTA wheelage tax, in the sum of \$1 per year for any succeeding calendar year or years. Such tax shall be in addition to the state motor vehicle tax and other wheelage taxes, if any, and shall not be subject to any limitations prescribed by law except as herein expressly provided. The MTA wheelage tax shall be deemed to be exclusively for public highway purposes by reason of the reduction through the establishment of the means of mass transit of the size, number, and cost of public highways which are now and must in the future be constructed, operated, and maintained in the transit area, and by reason of the reduction through said means of the traffic congestion and hazards and other harmful conditions on the public highways in the area resulting from lack of adequate provision for public transit therein.

X Subd. 3. **MTA wheelage tax; collection by registrar of motor vehicles.** The MTA wheelage tax when levied shall be certified by the commission to the state registrar of motor vehicles not later than August 1 in the year before the calendar year or years for which the tax is levied, and the registrar shall collect such tax with the motor vehicle taxes on the affected vehicles for such year or years. Every owner and every operator of such a motor vehicle shall furnish to the registrar such applications, reports, and other information as the registrar shall prescribe and provide for all forms required therefor. No motor vehicle tax on any such

# MINNESOTA STATUTES 1974

5429

## METROPOLITAN TRANSIT COMMISSION ACT 473A.08

motor vehicle for any such year shall be received or deemed paid unless the MTA wheelage tax is paid therewith. Except as otherwise herein provided, the proceeds of the MTA wheelage tax when collected shall be paid to the state treasurer as treasurer of the commission and credited by him to the funds of the commission.

Subd. 4. **MTA wheelage tax; costs of collection.** Subject to the further provisions of this subdivision, the commission shall pay all costs of collection of the MTA wheelage tax in excess of the costs of collection of the motor vehicle tax, and may provide for advancement of funds therefor so far as necessary. Whenever there are moneys in the transfer of ownership revolving fund under section 168.54, in excess of the amounts needed for the purposes therein specified, the registrar may use such excess moneys for costs of collection of the wheelage tax, to be reimbursed by the treasurer out of proceeds of the wheelage tax as soon as received unless such reimbursement has been otherwise provided for by the commission.

Subd. 5. **Offenses; penalties; application of other laws.** Any owner or operator of a class MTA motor vehicle who shall wilfully make any false statement in an application, report, or other information required by the registrar of motor vehicles for the purpose of collecting the MTA wheelage tax, or who shall wilfully fail or refuse to furnish any such application, report, or information shall be guilty of a misdemeanor. Except as otherwise herein provided, the collection and payment of the MTA wheelage tax and all matters relating thereto shall be subject to all provisions of law relating to collection and payment of motor vehicle taxes so far as applicable.

Subd. 6. [Repealed, 1969 c 625 s 6]

Subd. 7. **Commission; borrowing money.** The commission, if authorized by vote of at least two-thirds of all its members, may borrow money on such terms, in such amounts, and in such manner as it deems proper. Any loan made under this subdivision and interest thereon shall be payable from collections of the MTA wheelage tax or from any other funds of the commission not otherwise appropriated by law and not otherwise pledged by resolution of the commission. Any such loans may be evidenced by promissory notes or certificates of indebtedness, to which the commission may pledge moneys received upon collection of the MTA wheelage tax or any tax authorized by this chapter or as proceeds of bonds issued pursuant to the provisions of this chapter. Any such loans may also be secured by a security interest in the property acquired in whole or in part from the proceeds of the loan. Except as herein otherwise provided, any such obligation shall not constitute a charge, lien or encumbrance upon and shall not be enforced against any property of the commission except tax collections and bond proceeds specifically pledged by the commission and except for security interests granted by the commission; and in the enforcement or collection of such obligation, exercise of the taxing power of the commission may not be required unless the commission shall have specifically pledged tax levies or tax collections authorized by this chapter to the payment of the obligation. Such obligations shall not be considered a debt of the state or any municipality or political subdivision thereof within the meaning of any debt limitation or requirement pertaining to such entities, and neither the state nor any municipality or political subdivision thereof except the commission, nor any commissioner or officer or employee of the commission shall be liable thereon. Such obligations shall otherwise be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

[1967 c 892 s 7; 1969 c 625 s 7; 1971 c 830 s 10]

NOTE: See also section 473A.112.

**473A.08 BONDS.** Subdivision 1. **Authority to issue, purposes.** The commission shall have authority to issue negotiable revenue bonds for any one or more of its powers and purposes, including the following: To construct and equip terminal facilities, maintenance and garage facilities, ramps, parking areas, or similar facilities used or useful in connection with a public transit system or part thereof; to acquire, improve, extend, or reconstruct any public transit system or any part thereof; to acquire any property or equipment useful for the construction, reconstruction, extension, improvement, or operation of any public transit system or any part thereof; to acquire any other real or personal property, franchises, easements, transit lanes,



# MINNESOTA STATUTES 1974

rights of way or other rights used or useful in connection with a public transit system or any part thereof; and to refund bonds issued for any such purposes.

**Subd. 2. Revenue bonds, resolution, terms, sales.** Revenue bonds under this section shall be issued in such amounts, times and series as the commission by resolution shall determine and shall mature within 40 years from their date. No election shall be necessary to authorize the issuance of revenue bonds by the commission. Such revenue bonds may be sold at public or private sale or may be issued in exchange for bonds refunded thereby or property acquisitions or contract obligations funded thereby. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest and other terms of the bonds shall be subject to the provisions of sections 475.54 to 475.56.

**Subd. 3. Revenue bonds, payment.** Revenue bonds issued under this section shall not constitute a debt of the state or of any municipal corporation or political subdivision and no ad valorem tax levy may be compelled for their payment except as provided in section 473A.14, but they shall be payable only from the revenues of the commission pledged by the commission to payment of principal thereof and interest thereon, and they shall so recite. At or before the issuance of revenue bonds, the commission shall pledge and appropriate to the payment of principal and interest the gross or net revenues of the public transit system or some part thereof, and may pledge and appropriate other revenues of the commission, as described and defined in the authorizing resolution.

**Subd. 4. Revenue bond covenants, trust indenture.** By the authorizing resolution, the commission may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the public transit system facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; competing public transit systems and such other covenants as the commission shall find to be usual and reasonably necessary for the protection of transit system revenue bondholders. Among other covenants, the commission is authorized to covenant on behalf of the state that the state will not limit or alter the power and obligation of the commission to establish, increase and collect pledged moneys sufficient to pay expenses of operation and maintenance and provide debt service on the bonds and to covenant on behalf of the state and each municipality or other political subdivision that no franchise, license, or permit shall be granted or renewed for any public transit system or part thereof which would compete with the public transit system or part thereof the revenues of which are pledged. The commission may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the commission may instead be set forth in a trust indenture with a corporation having trust powers appointed by the commission to represent and act for bondholders and to hold and disburse pledged moneys and to perform such other duties as may be provided in the trust indenture, but no such trust indenture shall confer or authorize any mortgage lien on the real or operating properties or general funds of the commission.

**Subd. 5. Legal investments.** Bonds issued by the commission may be purchased by the state board of investment for any trust fund of the state or other fund administered by such board, and shall be proper for investment of any funds administered by such board, and shall be proper for investment of any funds by any savings bank, trust company, insurance company or public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys.

**Subd. 6. Tax exempt.** Bonds of the commission shall be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

**Subd. 7. Metropolitan council approval.** The commission shall not issue revenue bonds under this section without the approval of the metropolitan council. Such approval may be general or limited to specific issues or series of revenue bonds. Approval may be withdrawn or modified by the metropolitan council except as to revenue bonds then actually issued and outstanding and as to addi-

# MINNESOTA STATUTES 1974

5431

## METROPOLITAN TRANSIT COMMISSION ACT 473A.09

tional revenue bonds to be issued to comply with covenants of the commission made with the approval of the metropolitan council for the protection of holders of outstanding revenue bonds.

[1967 c 892 s 8; 1969 c 625 s 11; 1971 c 830 s 9]

**473A.09 COMMISSION; SPECIAL PROVISIONS.** Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by chapter 117, and acts amendatory thereof or supplementary thereto for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any purpose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

**Subd. 2. Voluntary transfer of public property to the commission.** Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the commission, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the commission for any authorized purpose. In any case where the construction of any such facilities has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the commission, with or without consideration, any existing contract for the construction of the facilities.

**Subd. 3. Commission; investigation of need for changes in existing systems.** Notwithstanding the provisions of any law or municipal charter or ordinance to the contrary, the commission, on its own motion or on petition of any operator, municipality, or other public agency, may investigate the need for changes in existing routes, schedules, and stops in effect in any public transit system now or hereafter operating in the transit area. In conducting such investigation, the commission shall consider recommendations as to the subject matter made by any affected municipality or other public agency, and shall give due consideration to street surfaces, traffic conditions, cost of operations, and the planning programs of such municipalities or agencies. In connection with any such investigation, the commission may hold hearings on any matter under consideration, affording all parties concerned an opportunity to appear and be heard thereat. If upon any such investigation or hearing the commission finds that there is no need for any change in existing conditions or operations, it shall make an order so determining and discontinuing the investigation. If the commission finds that there is need for any such change, it shall proceed as provided in subdivision 4.

**Subd. 4. Commission; proceedings for changes before department of public service.** If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the department of public service and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the department of public service shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the department of public service an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and served within such 30 day period, the department of public service

# MINNESOTA STATUTES 1974

## 473A.09 METROPOLITAN TRANSIT COMMISSION ACT

5432

shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the department of public service within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An appeal from the action of the department of public service in any such matter may be taken as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto.

**Subd. 5. Transit commission; proceedings before department of public service and other authorities.** The transit commission may petition the department of public service for changes in rates of operators of public transit systems serving the transit area. Upon receipt of such petition, the department of public service shall order a hearing and conduct further proceedings thereon as provided by section 221.041, and other applicable laws and regulations. The transit commission may appear in behalf of the public interest in any such proceedings or in any other proceeding before the department of public service, the interstate commerce commission, the courts, or other public authorities involving any matter relating to public transit within or affecting the transit area.

**Subd. 6. Succession to powers of department of public service.** There shall be transferred to and vested in the transit commission all of the powers and functions of the Minnesota department of public service with respect to any public transit system or part thereof which shall have been acquired or constructed by and is owned and operated by or under the authority of the transit commission. Whenever and so long as such public transit system or systems in the aggregate serve in excess of 50 percent of the persons using public transit systems in the area as determined by the department of public service, all of the powers and functions of the department of public service over all public transit systems in the area shall be transferred to and vested in the transit commission. With respect to a public transit system or any part thereof over which the transit commission shall exercise the powers and functions of the department of public service as hereinbefore provided the exercise of such powers and functions by the transit commission shall be exclusive and the department of public service shall not have authority to exercise such powers and functions with respect thereto. An appeal from any order or decision of the transit commission may be taken by any party aggrieved thereby in like manner and with like effect as provided by law for appeals in corresponding cases from the orders or decisions of the department of public service.

**Subd. 7. Relocation of displaced persons.** The commission may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the commission, and may make relocation payments in connection therewith in accordance with federal regulations.

**Subd. 8. Commission; insurance.** The commission may provide for self-insurance or may otherwise provide for the insurance of any of its property, rights, or revenue, workmen's compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against any such risk or hazard at the expense of the commission.

**Subd. 9. Entry on premises for investigations.** The commission may enter in a reasonable manner upon any lands, waters, or premises for the purpose of making any reasonably necessary or proper surveys, soundings, drillings, and examinations. No such entry shall be deemed a trespass, except that the commission shall be liable for any actual and consequential loss, injury, or damage therefrom.

**Subd. 10. Inspection of books and papers.** The commission or its authorized agents may require the production of accounts, books, records, memoranda, correspondence, and other documents and papers of any operator relating to his or its public transit operations in the transit area, may inspect and copy any thereof at the operator's place of business, and shall have access to and may inspect any of the lands, buildings, facilities, or equipment of any such operator used for such operations.

**Subd. 11. Commission; auditor of finances.** The commission shall employ a certified public accountant or firm thereof to make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year, and copies of the report thereof shall be filed and kept

# MINNESOTA STATUTES 1974

5433

## METROPOLITAN TRANSIT COMMISSION ACT 473A.111

open to public inspection in the offices of the secretary of the commission and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473A.12.

Subd. 12. **Bus system fares.** The commission shall not charge bus system passengers a total fare of more than \$.50 for any ride; except that the commission may establish separate fares for passengers on express bus service. This subdivision shall be in effect on January 30, 1975.

[1967 c 892 s 9; 1971 c 25 s 67; 1971 c 830 s 4; 1974 c 528 s 2]

**473A.10 LABOR PROVISIONS.** If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 473A.01 to 473A.18. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired transportation system.

[1967 c 892 s 10]

**473A.11 COMMISSION; TAKING OVER PERSONNEL AND CONTRACTS OF JOINT POWERS TRANSIT COMMISSION.** The commission, upon commencing operations under sections 473A.01 to 473A.18, shall, so far as deemed practicable and advisable in the discretion of the commission and subject to the provisions hereof, take over and employ in corresponding positions or other suitable positions the professional, technical, and other personnel employed by the existing metropolitan transit commission, hereinafter called the joint powers transit commission, created by the joint and cooperative agreement heretofore made between certain governmental units of the transit area pursuant to section 471.59. The transit commission created by sections 473A.01 to 473A.18 shall upon like conditions take over any contracts made by the joint powers transit commission and in force on July 1, 1967 for professional or technical services, rental of office space or other facilities, or other contracts relating to any matter within the purposes of sections 473A.01 to 473A.18. The joint powers transit commission shall execute all instruments which may be necessary to effectuate the provisions of this section.

[1967 c 892 s 11]

NOTE: See also section 473A.112.

**473A.111 TRANSIT TAX LEVIES.** Subdivision 1. **Amount.** For the purposes of chapter 473A and the metropolitan transit system, the metropolitan transit commission may levy upon all taxable property within the metropolitan transit taxing district, defined herein, a transit tax, which shall not in any year exceed the sum of the following:

(a) An amount equal to 2.87 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax under Minnesota Statutes 1969, Section 473A.14, have been pledged, plus any amount needed for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years; except that the amount of taxes which may be levied in any year for the operating costs of the commission shall, except where this reduction

# MINNESOTA STATUTES 1974

## 473A.112 METROPOLITAN TRANSIT COMMISSION ACT

5434

would render the commission ineligible for the federal aid involved, be further reduced by the amount of any funds received by the commission during the previous year from federal grants to cover operating costs; plus

(b) Such an additional amount equal to .04 mills times the assessed valuation of all such property all of which shall be used for the operating cost of service programs for the handicapped; plus

(c) Such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations to which property taxes under this section have been pledged, provided that the amount of principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year; plus an additional amount not to exceed \$2,000,000 in any one year to be used exclusively to provide for the full and timely payment of certificates of indebtedness and other obligations issued for the purposes of the bus service expansion report as adopted by the metropolitan transit commission on February 20, 1974, to which property taxes under this section have been pledged;

(d) Nothing in this section shall be construed as providing funding for the preliminary engineering, studies, or construction for the automated fixed guideway system proposed in the 1972 transit development program of the commission.

**Subd. 2. Transit taxing district.** The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the corporate limits of Minneapolis and St. Paul and extending out to the corporate limits of all incorporated cities contiguous either to Minneapolis or St. Paul or to each other, ending with a continuous boundary with unincorporated areas, which transit taxing district shall include any unincorporated area fully surrounded by the incorporated areas within the district as the boundaries existed on October 31, 1973. The taxing district shall also include any municipality or township directly served by the transit system, provided, that said district shall not include any county not directly served by the transit system. For the purposes of this subdivision a county is not "directly served" if no bus or other public transit conveyance enters such county on a regularly scheduled basis, at least twice daily, for the purpose of transporting passengers.

**Subd. 3. Certification and collection.** On or before October 10 in each year the commission shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in his county that proportion of the tax which the assessed value of taxable property in his county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the commission. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the commission for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

**Subd. 4. Use of proceeds.** (1) A portion of the proceeds of the tax described in this section shall be used to provide transit services, at no cost, between the hours of 9:00 AM and 3:30 PM, and from 6:30 PM until the last bus on Monday through Friday of each week, and all day Saturday and Sunday to all those persons 65 years of age or over holding a medicare card or a special golden age identification card issued by the commission, and to all those persons under the age of 18.

(2) Establish an express bus system to those areas within the transit taxing district at the earliest practicable time over existing highways and streets in conjunction with the federal highway administration, the urban mass transportation administration, the Minnesota highway department, the metropolitan council, and other highway agencies.

[1971 c 880 s 12; 1973 c 35 s 79; 1973 c 123 art 5 s 7; 1973 c 498 s 1, 2; 1973 c 779 s 1; 1974 c 371 s 1; 1974 c 528 s 3, 4]

**473A.112 LIMITATION OF LEVY.** No further levy of the MTA wheelage tax described in Minnesota Statutes 1969, Section 473A.07, Subdivisions 1 to 5, shall be made on or after August 1, 1971, nor shall any levy of the property tax described in Minnesota Statutes 1969, Section 473A.14, be made on or after August 1, 1971, unless the tax authorized by section 473A.111 is declared invalid by

# MINNESOTA STATUTES 1974

5435

## METROPOLITAN TRANSIT COMMISSION ACT 473A.14

the final decision of a court of competent jurisdiction in which case such levy is authorized as of the date of such order.

[1971 c 830 s 13]

✕ **473A.12 COMMISSION; ANNUAL REPORTS.** The commission on or before November 30, 1968, and annually thereafter, shall prepare a report for the preceding fiscal year, also, so far as practicable, for the further time up to the preparation of the report, containing, in addition to such other matters as the commission may deem proper, the following:

(a) the activities of the commission during the period covered by the report;

(b) the financial condition of public transit systems under the control of the commission;

(c) a complete financial accounting of the financial accounts and affairs of the commission during the fiscal year;

(d) recommendations for improvements of or additions to the mass transit facilities of the area to provide adequate, speedy, and efficient means of transporting people therein;

(e) recommendations for any needed legislation in furtherance of the aforesaid purposes.

Each report shall be filed with the secretary of the commission and a copy shall be filed with the secretary of state. Copies shall also be submitted to the legislature by November 15 of each even numbered year and shall be distributed annually to the governor and to each member of the legislature, county commission, and elected chief executive of each municipality in the transit area.

[1967 c 892 s 12; 1971 c 830 s 5; 1974 c 406 s 71]

✕ **473A.13 COMMISSION; EXEMPTION FROM TAXATION.** Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of the commission, all revenues or other income of the commission, and all bonds, certificates of indebtedness, or other obligations issued by the commission, and the interest thereon, shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

[1967 c 892 s 13]

✕ **473A.14 PROPERTY TAX IN LIEU OF WHEELAGE TAX IF INVALIDATED.** In case the provisions of sections 473A.01 to 473A.18 for levy or collection of the MTA wheelage tax shall be held invalid by the final decision of a court of competent jurisdiction so as to make such tax uncollectible, the commission shall, in lieu thereof, and subject to the further provisions hereof, annually levy a direct tax on all the taxable property in the transit area at a rate sufficient to produce an amount equivalent to the amount that would have been produced by the wheelage tax. Such amount shall be determined by the commission on the basis of estimates furnished by the registrar of motor vehicles as to the number of class MTA motor vehicles in the year for which the property tax is levied. The total levy for any year shall not exceed the amount so determined except that for the first taxable year for which such levy is made a sufficient additional sum may be included to compensate for any loss of revenue theretofore sustained by the commission by reason of invalidation of the wheelage tax; provided, that the foregoing limitations shall not apply to any taxes levied to cover any deficiency in moneys available for payment of the principal or interest on securities or other evidences of indebtedness of the commission. Property taxes levied under this section shall be certified by the commission to the county auditors of the transit area, extended, assessed, and collected in like manner as provided by law for the regular property taxes levied by the governing bodies of cities. The proceeds of the taxes levied under this section shall be remitted by the respective county treasurers to the treasurer of the commission, who shall credit the same to the funds of the commission for use for the purposes of sections 473A.01 to 473A.18 in like manner as if derived from the proceeds of the MTA wheelage tax, subject to any applicable pledges or limitations on account of securities or other evidences of indebtedness.

[1967 c 892 s 14; 1969 c 625 s 8; 1971 c 830 s 6; 1973 c 123 art 5 s 7]

NOTE: See also section 473A.112.

# MINNESOTA STATUTES 1974

## 473A.15 METROPOLITAN TRANSIT COMMISSION ACT

5436

X **473A.15 MULTI-PURPOSE METROPOLITAN AGENCY; SUBSEQUENT CREATION BY LEGISLATURE.** The commission shall so plan and conduct its operations and projects that if the legislature subsequently enacts legislation creating a single multi-purpose metropolitan public agency to handle a variety of problems affecting the transit area, and gives such agency powers and duties relating to public transit which are substantially the same as or greater than those given the commission by sections 473A.01 to 473A.18, with provisions which result in making the commission subject to such agency or merging the commission therein or transferring the powers and duties of the commission thereto or terminating the existence of the commission or otherwise disposing of its affairs, the commission will be prepared to comply therewith in accordance with the intent of the legislature.

[1967 c 892 s 15]

X **473A.16 EXCLUSIVE JURISDICTION.** The exercise by the commission of the powers provided in sections 473A.01 to 473A.18 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473A.01 to 473A.18, and Laws 1974, Chapter 422, Article 1.

[1967 c 892 s 16; 1974 c 422 art 3 s 11]

X **473A.17 SEVERABILITY OF PROVISIONS.** The provisions of sections 473A.01 to 473A.18 shall be severable, and if any provision thereof or the application of any such provision under any circumstances is held invalid, it shall not affect any other provision of sections 473A.01 to 473A.18 or the application of any provision thereof under different circumstances.

[1967 c 892 s 17]

X **473A.18 CITATION.** Sections 473A.01 to 473A.18 may be cited as the metropolitan transit commission act of 1974.

[1967 c 892 s 18; 1974 c 422 art 3 s 12]

X **473A.21 METROPOLITAN TRANSIT COMMISSION; PROMOTION OF USE OF CAR POOLS AND EMPLOYER VANS.** The metropolitan transit commission shall promote the use of car pools and employer vans in the metropolitan area. The commission's goal shall be to provide employees and employers with incentives to achieve by January 1, 1980, in the metropolitan area between 6:00 a. m. and 9:00 a. m. an increase of the proportion of persons riding rather than driving in motor vehicles from the 37 percent figure of 1970 to 50 percent.

[1974 c 574 s 1]

X **473A.22 DEFINITIONS.** Subdivision 1. "Metropolitan area" means the metropolitan area as defined in section 473B.02.

Subd. 2. "Transit taxing district" means the metropolitan transit taxing district as designated in section 473A.111.

[1974 c 574 s 2]

X **473A.23 POWERS AND DUTIES OF COMMISSION.** Subdivision 1. The commission shall promote the use of car pooling and encourage employers, public and private, within the transit taxing district to purchase or lease vans for the employer vans acquisition program.

Subd. 2. The commission may contract for space in parking facilities within the transit taxing district, and make the space available to vehicles carrying more than three persons at a cost which it deems provides incentive for motor vehicle drivers to join car pools or participate in an employer van program.

Subd. 3. The commission may cooperate with employers in the transit taxing district in developing staggered work schedules. The schedules shall be designed so a substantial number of employees are involved in each scheduled arrival and departure time.

Subd. 4. Upon proper application by an employer, as the commission shall prescribe by rule or regulation, the commission may certify an employer's van if it is to be used for the transportation of employees to and from work and a van so certified may use the exclusive bus freeway entrance ramps.

Subd. 5. The commission shall make a study of ways in which private taxi serv-

# MINNESOTA STATUTES 1974

5437

## METROPOLITAN TRANSIT COMMISSION ACT 473A.27

ice could be better coordinated with the operation of other forms of transportation within the metropolitan area. The commission shall complete the study and make a report to the legislature by January 1, 1975.

Subd. 6. The commission shall promulgate rules and regulations for implementation of the authority of sections 473A.21 to 473A.28.

Subd. 7. The commission shall contract with the commissioner of highways for performance of the duties enumerated in subdivisions 1, 2, and 4 of this section.

Subd. 8. The commission shall make a study of the integration of school bus transportation and bus service in the metropolitan area. The commission shall complete the study and make a report to the legislature by January 1, 1975.

Subd. 9. The commission shall call upon the affected school districts and school bus companies for participation in the study.

[1974 c 574 s 3]

X **473A.24 EMPLOYER VANS ACQUISITION PROGRAM.** Subdivision 1. It is the purpose of the employer vans acquisition program to encourage the transportation of employees to and from work where the metropolitan transit commission finds that the employees reside in the transit taxing district and are not adequately served by the bus system.

Subd. 2. The commission shall encourage the acquisition of vans capable of handling more than ten passengers, for the purpose of transporting employees to and from work, where the employer will (a) pay the operating and maintenance costs of the van either directly as an expense of operating his business or through assessment of the employees who use the van service and (b) pay additional compensation to the driver of a van if he is a regular employee and has not been hired for the sole purpose of driving the van.

Subd. 3. Any city, county, school district, independent board or agency, or agency of the state located within the metropolitan area may establish an employer vans acquisition program as described in sections 473A.21 to 473A.28.

[1974 c 574 s 4]

X **473A.25 REPORTS.** The commission shall submit reports to the legislature not later than November 15 of each year which shall indicate progress toward increasing the proportion of passengers over drivers, including progress in achieving the January, 1980 driver and passenger ratio goal and any additional legislation necessary to aid in achieving that goal.

[1974 c 574 s 5]

X **473A.26 EMPLOYER VANS REVOLVING FUND.** Subdivision 1. **Establishment.** The governing body of any city, county, or school district may by resolution establish an employer vans revolving fund to be used to purchase vans for the employer vans acquisition program described in section 473A.24. Any payments out of the fund shall be repaid to the fund out of revenues derived from the use by the employees of the city, county, or school district, of the vans so purchased.

Subd. 2. **Levy.** Any city, county, or school district is authorized for the purposes of this section, to make a one time levy in excess of all taxing limitations, without affecting the amount or rate of taxes which may be levied by the city, county, or school district for other purposes or by any local governments in the area. The city, county, or school district may make the one time levy of a tax, not to exceed one tenth of a mill, in one of the following years: 1974, 1975, 1976 or 1977; the tax to be payable in the year following the year of the levy.

Subd. 3. **Termination of the fund.** The governing body of any city, county, or school district may by resolution terminate the employer vans revolving fund and use the funds for other purposes authorized by law.

[1974 c 574 s 6]

X **473A.27 FREEWAY EXCLUSIVE LANES.** Subdivision 1. For the purpose of this section, "freeway" means a completely controlled access highway where ingress and egress is allowed only at certain designated points as determined by the road authority having jurisdiction over the highway.

Subd. 2. The metropolitan council in consultation with the metropolitan transit commission may require that any freeway constructed in the metropolitan area on which actual construction has not been commenced by April 12, 1974 shall include



# MINNESOTA STATUTES 1974

## 473A.28 METROPOLITAN TRANSIT COMMISSION ACT

5438

provisions for exclusive lanes for buses and, as the council may determine, other forms of multipassenger transit. The council, in making its determination, must demonstrate that the exclusive lanes are necessary to implement the transportation policy plan of the development guide.

[1974 c 574 s 7]

X **473A.28 FINANCING; TAX LEVIES.** Any city, county, or school district which establishes an employer vans acquisition program is authorized, upon resolution of its governing body, to levy a tax for the purpose of covering the administrative costs of the program and in addition to any other tax the city, county, or school district is authorized to levy and in excess of all taxing limitations, without affecting the amount or rate of taxes which must be levied by the city, county, or school district for other purposes or by a local government in the area, the city, county, or school district may levy a tax not to exceed  $\frac{1}{400}$  mill.

[1974 c 574 s 8]