

1.1 moves to amend H.F. No. 1866 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[398A.095] LEGISLATIVE APPROVAL OF LIGHT RAIL PROJECTS.**

1.4 Notwithstanding any law to the contrary, a regional railroad authority is prohibited from
1.5 spending any money to study, plan, design, or construct a light rail line, or expand an existing
1.6 light rail line, unless the legislature has explicitly authorized the particular project.

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

1.8 Sec. 2. **[471.987] LEGISLATIVE APPROVAL OF LIGHT RAIL PROJECTS.**

1.9 Notwithstanding any law to the contrary, a metropolitan county as defined in section
1.10 473.121, subdivision 4, or a home rule charter or statutory city located within the metropolitan
1.11 area as defined in section 473.121, subdivision 2, is prohibited from spending any money
1.12 to study, plan, design, or construct a light rail line, or expand an existing light rail line,
1.13 unless the legislature has explicitly authorized the particular project.

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

1.15 Sec. 3. Minnesota Statutes 2016, section 473.123, is amended to read:

1.16 **473.123 METROPOLITAN COUNCIL.**

1.17 Subdivision 1. **Creation; membership.** (a) A Metropolitan Council with jurisdiction
1.18 in the metropolitan area is established as a public corporation and political subdivision of
1.19 the state. It shall be under the supervision and control of ~~17~~ 27 members, all of whom shall
1.20 be residents of the metropolitan area and appointed as follows:

1.21 (1) a county commissioner from each metropolitan county, appointed by the respective
1.22 county boards;

2.1 (2) a local elected official appointed from each Metropolitan Council district by the
2.2 municipal committee for the council district established in this section;

2.3 (3) the commissioner of transportation or the commissioner's designee; and

2.4 (4) one person to represent nonmotorized transportation, one person to represent freight
2.5 transportation, and one person to represent public transit, each appointed by the commissioner
2.6 of transportation.

2.7 (b) The local elected offices identified in paragraph (a) are compatible with the office
2.8 of a Metropolitan Council member.

2.9 Subd. 2a. **Terms.** (a) Following each apportionment of council districts, as provided
2.10 under subdivision 3a, council members must be appointed from newly drawn districts as
2.11 provided in subdivision 3a. Each council member, other than the chair, must reside in the
2.12 council district represented. Each council district must be represented by one member of
2.13 the council. The terms of members end with the term of the governor, except that all terms
2.14 expire on the effective date of the next apportionment. A member serves at the pleasure of
2.15 the governor. each municipal committee for the council district shall appoint a local elected
2.16 official who resides in the district to serve on the Metropolitan Council for a two-year term.
2.17 A member's position on the Metropolitan Council becomes vacant if the member ceases to
2.18 be a local elected official or as provided in chapter 351, and any vacancy must be filled as
2.19 soon as practicable for the unexpired term in the same manner as the appointment for a
2.20 regular term. A member shall continue to serve the member's district until a successor is
2.21 appointed and qualified; except that, following each apportionment, the member shall
2.22 continue to serve at large until the governor appoints 16 council members, one municipal
2.23 committee for the council district appoints a member from each of the newly drawn council
2.24 districts district as provided under subdivision 3a, to serve terms as provided under this
2.25 section. The appointment to the council must be made by the first Monday in March of the
2.26 year in which the term ends.

2.27 (b) A county commissioner appointed to the Metropolitan Council shall serve a two-year
2.28 term. In addition to the provisions in chapter 351, if a member appointed under this paragraph
2.29 ceases to be a county commissioner, the council position becomes vacant. A vacancy must
2.30 be filled as soon as practicable for the unexpired term in the same manner as the appointment
2.31 for a regular term.

2.32 (c) Persons appointed by the commissioner of transportation under subdivision 1 serve
2.33 at the pleasure of the appointing authority.

3.1 Subd. 2b. **Municipal committee in each council district.** The governing body of each
3.2 home rule charter or statutory city and town in each Metropolitan Council district shall
3.3 appoint a member to serve on a municipal committee for the council district. If a city or
3.4 town is in more than one council district, the governing body must appoint a member to
3.5 serve on each council district's municipal committee. The member appointed to a municipal
3.6 committee must reside in the council district. In addition to appointing a municipal committee
3.7 member to serve as a member of the Metropolitan Council as provided in subdivision 2a,
3.8 the municipal committee must meet at least quarterly to discuss issues relating to the
3.9 Metropolitan Council.

3.10 Subd. 3. ~~**Membership; appointment; qualifications**~~ **Members', chair's compensation.**

3.11 ~~(a) Sixteen members must be appointed by the governor from districts defined by this~~
3.12 ~~section. Each council member must reside in the council district represented. Each council~~
3.13 ~~district must be represented by one member of the council. In addition to any compensation~~
3.14 ~~as a local elected official, the council shall pay each member of the council other than the~~
3.15 ~~chair or the commissioner of transportation, or the commissioner's designee, \$20,000 per~~
3.16 ~~year plus reimbursement of actual and necessary expenses as approved by the council. The~~
3.17 ~~commissioner of transportation is not eligible for compensation under this subdivision but~~
3.18 ~~may be reimbursed for actual and necessary expenses.~~

3.19 ~~(b) In addition to the notice required by section 15.0597, subdivision 4, notice of~~
3.20 ~~vacancies and expiration of terms must be published in newspapers of general circulation~~
3.21 ~~in the metropolitan area and the appropriate districts. The governing bodies of the statutory~~
3.22 ~~and home rule charter cities, counties, and towns having territory in the district for which~~
3.23 ~~a member is to be appointed must be notified in writing. The notices must describe the~~
3.24 ~~appointments process and invite participation and recommendations on the appointment.~~
3.25 In addition to any compensation as a local elected official, the council shall pay the chair
3.26 \$40,000 per year plus reimbursement of actual and necessary expenses as approved by the
3.27 council.

3.28 ~~(c) The governor shall create a nominating committee, composed of seven metropolitan~~
3.29 ~~citizens appointed by the governor, to nominate persons for appointment to the council from~~
3.30 ~~districts. Three of the committee members must be local elected officials. Following the~~
3.31 ~~submission of applications as provided under section 15.0597, subdivision 5, the nominating~~
3.32 ~~committee shall conduct public meetings, after appropriate notice, to accept statements from~~
3.33 ~~or on behalf of persons who have applied or been nominated for appointment and to allow~~
3.34 ~~consultation with and secure the advice of the public and local elected officials. The~~
3.35 ~~committee shall hold the meeting on each appointment in the district or in a reasonably~~

4.1 ~~convenient and accessible location in the part of the metropolitan area in which the district~~
4.2 ~~is located. The committee may consolidate meetings. Following the meetings, the committee~~
4.3 ~~shall submit to the governor a list of nominees for each appointment. The governor is not~~
4.4 ~~required to appoint from the list.~~

4.5 ~~(d) Before making an appointment, the governor shall consult with all members of the~~
4.6 ~~legislature from the council district for which the member is to be appointed.~~

4.7 ~~(e) Appointments to the council are subject to the advice and consent of the senate as~~
4.8 ~~provided in section 15.066.~~

4.9 ~~(f) Members of the council must be appointed to reflect fairly the various demographic,~~
4.10 ~~political, and other interests in the metropolitan area and the districts.~~

4.11 ~~(g) Members of the council must be persons knowledgeable about urban and metropolitan~~
4.12 ~~affairs.~~

4.13 ~~(h) Any vacancy in the office of a council member shall immediately be filled for the~~
4.14 ~~unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph~~
4.15 ~~(e) if the governor has made appointments in full compliance with the requirements of this~~
4.16 ~~subdivision within the preceding 12 months.~~

4.17 Subd. 3a. **Redistricting.** The legislature shall redraw the boundaries of the council
4.18 districts after each decennial federal census so that each district has substantially equal
4.19 population. Redistricting is effective in the year ending in the numeral "3." Within 60 days
4.20 after a redistricting plan takes effect, the ~~governor~~ municipal committees shall appoint
4.21 members from the newly drawn districts to serve terms as provided under subdivision 2a.

4.22 Subd. 3e. **District boundaries.** Metropolitan Council plan MC2013-1A, on file with
4.23 the Geographical Information Systems Office of the Legislative Coordinating Commission
4.24 and published on its Web site on April 9, 2013, is adopted and constitutes the redistricting
4.25 plan required by subdivision 3a. The boundaries of each Metropolitan Council district are
4.26 as described in that plan.

4.27 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a) The
4.28 chair of the Metropolitan Council shall be appointed by ~~the governor as the 17th voting~~
4.29 ~~member thereof by and with the advice and consent of the senate to serve at the pleasure~~
4.30 ~~of the governor to represent the metropolitan area at large. Senate confirmation shall be as~~
4.31 ~~provided by section 15.066~~ and from among the members of the Metropolitan Council to
4.32 serve a term determined by the council.

5.1 The chair of the Metropolitan Council shall, if present, preside at meetings of the council,
5.2 have the primary responsibility for meeting with local elected officials, serve as the principal
5.3 legislative liaison, present to the governor and the legislature, after council approval, the
5.4 council's plans for regional governance and operations, serve as the principal spokesperson
5.5 of the council, and perform other duties assigned by the council or by law.

5.6 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
5.7 conduct of its affairs for a one-year term. A secretary and treasurer need not be members
5.8 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
5.9 Council and special meetings may be called by a majority of the members of the Metropolitan
5.10 Council or by the chair. The chair and each Metropolitan Council member shall be reimbursed
5.11 for actual and necessary expenses.

5.12 (c) Each member of the council shall attend and participate in council meetings and meet
5.13 regularly with local elected officials and legislative members from the council member's
5.14 district. Each council member shall serve on at least one division committee for
5.15 transportation, environment, or community development.

5.16 (d) In the performance of its duties the Metropolitan Council may adopt policies and
5.17 procedures governing its operation, establish committees, and, when specifically authorized
5.18 by law, make appointments to other governmental agencies and districts.

5.19 Subd. 8. **General counsel.** The council may appoint a general counsel to serve at the
5.20 pleasure of the council.

5.21 Subd. 9. **Authority to vote; quorum; votes required for action.** (a) The members
5.22 appointed by the counties and municipal committees may vote on all matters before the
5.23 council. The commissioner of transportation or the commissioner's designee and the three
5.24 members appointed by the commissioner may vote only on matters in which the council is
5.25 acting as the metropolitan planning organization for the region as provided in section
5.26 473.146.

5.27 (b) A quorum is a majority of the members permitted to vote on a matter.

5.28 (c) If a quorum is present, the council may adopt its levy only if at least 60 percent of
5.29 the members present vote in favor of the levy.

5.30 (d) If a quorum is present, the council may adopt a metropolitan system plan or plan
5.31 amendment only if at least 60 percent of the members present vote in favor of its adoption.

5.32 (e) Except as provided in paragraphs (c) and (d), if a quorum is present, the council may
5.33 act on a majority vote of the members present.

6.1 **EFFECTIVE DATE; TRANSITION; APPLICATION.** (a) Except as provided in
6.2 paragraph (b), this section is effective January 1, 2019, and applies in the counties of Anoka,
6.3 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Metropolitan Council members
6.4 serving on the effective date of this section shall continue to serve until members are
6.5 appointed from districts by the municipal committees as provided in this section.

6.6 (b) Subdivision 2b is effective the day following final enactment.

6.7 Sec. 4. Minnesota Statutes 2016, section 473.146, subdivision 3, is amended to read:

6.8 Subd. 3. **Development guide: transportation.** (a) The transportation chapter must
6.9 include policies relating to all transportation forms and be designed to promote the legislative
6.10 determinations, policies, and goals set forth in section 473.371.

6.11 (b) In addition to the policy plan content requirements under subdivision 1, the policy
6.12 plan must also establish as a primary objective an increase of the average farebox recovery
6.13 ratio, calculated for all regular routes and lines operated by the council, to at least 60 percent
6.14 by 2022. The plan must identify strategies to achieve the farebox recovery objective under
6.15 this paragraph.

6.16 (c) In addition to the requirements of subdivision 1 regarding the contents of the policy
6.17 plan, the nontransit element of the transportation chapter must include the following:

6.18 (1) a statement of the needs and problems of the metropolitan area with respect to the
6.19 functions covered, including the present and prospective demand for and constraints on
6.20 access to regional business concentrations and other major activity centers and the constraints
6.21 on and acceptable levels of development and vehicular trip generation at such centers;

6.22 (2) the objectives of and the policies to be forwarded by the policy plan;

6.23 (3) a general description of the physical facilities and services to be developed;

6.24 (4) a statement as to the general location of physical facilities and service areas;

6.25 (5) a general statement of timing and priorities in the development of those physical
6.26 facilities and service areas;

6.27 (6) a detailed statement, updated every two years, of timing and priorities for
6.28 improvements and expenditures needed on the metropolitan highway system;

6.29 (7) a general statement on the level of public expenditure appropriate to the facilities;
6.30 and

7.1 (8) a long-range assessment of air transportation trends and factors that may affect airport
 7.2 development in the metropolitan area and policies and strategies that will ensure a
 7.3 comprehensive, coordinated, and timely investigation and evaluation of alternatives for
 7.4 airport development.

7.5 (d) The council shall develop the nontransit element in consultation with the transportation
 7.6 advisory board and the Metropolitan Airports Commission and cities having an airport
 7.7 located within or adjacent to its corporate boundaries. The council shall also take into
 7.8 consideration the airport development and operations plans and activities of the commission.
 7.9 The council shall transmit the results to the state Department of Transportation.

7.10 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 7.11 final enactment and applies to all future updates to the plan. This section applies in the
 7.12 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

7.13 Sec. 5. Minnesota Statutes 2016, section 473.146, subdivision 4, is amended to read:

7.14 Subd. 4. **Transportation planning.** ~~(a)~~ The Metropolitan Council is the designated
 7.15 planning agency for any long-range comprehensive transportation planning required by
 7.16 section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation
 7.17 Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal
 7.18 transportation laws. The council shall assure administration and coordination of transportation
 7.19 planning with appropriate state, regional and other agencies, counties, and municipalities.

7.20 ~~(b) The council shall establish an advisory body consisting of citizens and representatives~~
 7.21 ~~of municipalities, counties, and state agencies in fulfillment of the planning responsibilities~~
 7.22 ~~of the council. The membership of the advisory body must consist of:~~

7.23 ~~(1) the commissioner of transportation or the commissioner's designee;~~

7.24 ~~(2) the commissioner of the Pollution Control Agency or the commissioner's designee;~~

7.25 ~~(3) one member of the Metropolitan Airports Commission appointed by the commission;~~

7.26 ~~(4) one person appointed by the council to represent nonmotorized transportation;~~

7.27 ~~(5) one person appointed by the commissioner of transportation to represent the freight~~
 7.28 ~~transportation industry;~~

7.29 ~~(6) two persons appointed by the council to represent public transit;~~

7.30 ~~(7) ten elected officials of cities within the metropolitan area, including one representative~~
 7.31 ~~from each first-class city, appointed by the Association of Metropolitan Municipalities;~~

8.1 ~~(8) one member of the county board of each county in the seven-county metropolitan~~
8.2 ~~area, appointed by the respective county boards;~~

8.3 ~~(9) eight citizens appointed by the council, one from each council precinct;~~

8.4 ~~(10) one elected official from a city participating in the replacement service program~~
8.5 ~~under section 473.388, appointed by the Suburban Transit Association; and~~

8.6 ~~(11) one member of the council, appointed by the council.~~

8.7 ~~(e) The council shall appoint a chair from among the members of the advisory body.~~

8.8 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2019, and
8.9 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

8.10 Sec. 6. **[473.3985] LEGISLATIVE APPROVAL OF LIGHT RAIL PROJECTS.**

8.11 Notwithstanding any law to the contrary, a responsible authority, as defined in section
8.12 473.3993, subdivision 4, is prohibited from spending any money to study, plan, design, or
8.13 construct a light rail line, or expand an existing light rail line, unless the legislature has
8.14 explicitly authorized the particular project.

8.15 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
8.16 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
8.17 Scott, and Washington.

8.18 Sec. 7. Minnesota Statutes 2016, section 473.3994, is amended by adding a subdivision
8.19 to read:

8.20 Subd. 15. **Project development requirements; co-location.** The council must establish
8.21 standards and criteria for co-location of freight rail and light rail transit on shared track or
8.22 on adjacent track in a shared rail corridor that apply to light rail transit project development.
8.23 The standards and criteria must include:

8.24 (1) identification of co-location safety criteria based on the results of an independent
8.25 audit and review, which must be analyzed in an environmental impact statement for each
8.26 applicable light rail transit project;

8.27 (2) incorporation of substantially similar safety standards for a light rail transit project
8.28 as established by the Federal Railroad Administration for freight rail, including but not
8.29 limited to those pertaining to engineering, track-work planning, track safety, inspections,
8.30 training and operations, routing, emergency preparedness, and signage and warning systems;

9.1 (3) a prohibition on operation of a train carrying oil or other hazardous substances through
9.2 a light rail transit project construction work zone;

9.3 (4) specification of project design elements to address safety considerations resulting
9.4 from co-location;

9.5 (5) accounting for project costs resulting from co-location safety considerations; and

9.6 (6) for adjacent track in a shared corridor, sufficient track spacing separation such that
9.7 there is minimized likelihood of impacts on operations on a track due to derailment of a
9.8 train on the adjacent track.

9.9 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
9.10 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
9.11 Scott, and Washington.

9.12 Sec. 8. Minnesota Statutes 2016, section 473.3994, is amended by adding a subdivision
9.13 to read:

9.14 **Subd. 16. Project development requirements; alternatives and benefits analysis.** (a)
9.15 As part of light rail transit project development and prior to initiating an environmental
9.16 analysis or preliminary engineering, the responsible authority must perform an alternatives
9.17 and benefits analysis.

9.18 (b) In addition to any other information or requirements, the alternatives and benefits
9.19 analysis must:

9.20 (1) include (i) a no-build option, and (ii) options for each major transit mode, including
9.21 but not limited to regular route bus service, arterial bus rapid transit, highway bus rapid
9.22 transit, express bus service, and dedicated busway;

9.23 (2) evaluate capacity adequacy and congestion impacts under each option;

9.24 (3) include a comprehensive benefit-cost analysis; and

9.25 (4) review conformity with the transportation policy plan under section 473.146.

9.26 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
9.27 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
9.28 Scott, and Washington.

10.1 Sec. 9. Minnesota Statutes 2016, section 473.857, subdivision 2, is amended to read:

10.2 Subd. 2. **Within 60 days; report.** A hearing shall be conducted within 60 days after the
10.3 request, provided that the advisory committee or the administrative law judge shall
10.4 consolidate hearings on related requests. The 60-day period within which the hearing shall
10.5 be conducted may be extended or suspended by mutual agreement of the council and the
10.6 local governmental unit. The hearing ~~shall not~~ may consider the ~~need for or~~ reasonableness
10.7 of the metropolitan system plans or parts thereof. The hearing shall afford all interested
10.8 persons an opportunity to testify and present evidence. The advisory committee or
10.9 administrative law judge may employ the appropriate technical and professional services
10.10 of the office of dispute resolution for the purpose of evaluating disputes of fact. The
10.11 proceedings shall not be deemed a contested case. Within 30 days after the hearing, the
10.12 advisory committee or the administrative law judge shall report to the council respecting
10.13 the proposed amendments to the system statements. The report shall contain findings of
10.14 fact, conclusions, and recommendations and shall apportion the costs of the proceedings
10.15 among the parties.

10.16 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
10.17 final enactment for system statements prepared by the Metropolitan Council on or after that
10.18 date. This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
10.19 Scott, and Washington.

10.20 Sec. 10. **TRANSPORTATION POLICY PLAN UPDATE.**

10.21 By December 31, 2017, the Metropolitan Council must revise the transportation policy
10.22 plan under Minnesota Statutes, section 473.146, subdivision 3.

10.23 **EFFECTIVE DATE.** This section is effective the day following final enactment and
10.24 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

10.25 Sec. 11. **REQUIREMENTS FOR CERTAIN LIGHT RAIL TRANSIT PROJECTS.**

10.26 Subject to approval as provided under Minnesota Statutes, section 473.3985, the
10.27 requirements established under Minnesota Statutes, section 473.3994, subdivisions 15 and
10.28 16, added in this act apply to any light rail transit construction or expansion project that is
10.29 in project development, including but not limited to design or engineering, as of the effective
10.30 date of this section.

11.1 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
11.2 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
11.3 Scott, and Washington."

11.4 Delete the title and insert:

11.5 "A bill for an act
11.6 relating to metropolitan government; modifying governance of the Metropolitan
11.7 Council; establishing a farebox recovery objective for certain Twin Cities
11.8 metropolitan area transit; prohibiting the Metropolitan Council from undertaking
11.9 a light rail project without explicit legislative authority; allowing consideration of
11.10 reasonableness of system plans in the Metropolitan Land Planning Act; establishing
11.11 requirements governing light rail transit project development; requiring the
11.12 Metropolitan Council to revise the transportation policy plan; amending Minnesota
11.13 Statutes 2016, sections 473.123; 473.146, subdivisions 3, 4; 473.3994, by adding
11.14 subdivisions; 473.857, subdivision 2; proposing coding for new law in Minnesota
11.15 Statutes, chapters 398A; 471; 473."