

1.1 Senator moves to amend H.F. No. 5242, in conference committee, as
1.2 follows:

1.3 On R94, Senate language, (UEH5242-1)

1.4 Page 83, delete section 81 and insert:

1.5 "Sec. 81. Minnesota Statutes 2022, section 174.185, subdivision 2, is amended to read:

1.6 Subd. 2. **Required analysis.** For each project in the reconditioning, resurfacing, and
1.7 road repair funding categories, the commissioner ~~shall~~ must perform a life-cycle cost analysis
1.8 and ~~shall~~ document the lowest life-cycle costs and all alternatives considered. The
1.9 commissioner ~~shall~~ must document the chosen pavement strategy and, if the lowest life
1.10 cycle is not selected, document the justification for the chosen strategy. ~~A life-cycle cost
1.11 analysis is required for projects to be constructed after July 1, 2011.~~

1.12 Sec. 82. Minnesota Statutes 2022, section 174.185, is amended by adding a subdivision
1.13 to read:

1.14 Subd. 2a. **Review and collaboration.** (a) Before finalizing a pavement selection, the
1.15 commissioner must post a draft of the life-cycle cost analysis and the draft pavement selection
1.16 on the department's Office of Materials and Road Research website for 21 days. During
1.17 this period, the commissioner must allow industry association representatives to submit
1.18 questions and comments. The commissioner must collaborate with the person who submitted
1.19 the question or comment, where necessary, to ensure the commissioner fully understands
1.20 the question or comment. The commissioner must respond to each comment or question in
1.21 writing, which must include a description of any associated changes that will be made to
1.22 the life-cycle cost analysis.

1.23 (b) After the review period under paragraph (a) closes, the commissioner may make
1.24 revisions, when deemed appropriate, to the life-cycle cost analysis in response to questions
1.25 or comments received. If the commissioner revises the type of pavement from concrete to
1.26 asphalt or from asphalt to concrete, the commissioner must post the revised life-cycle cost
1.27 analysis for review in accordance with the requirements under paragraph (a).

1.28 **EFFECTIVE DATE.** This section is effective July 1, 2025.

2.1 Sec. 83. Minnesota Statutes 2022, section 174.185, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 2b. **Selection.** (a) After the review period required in subdivision 2a and any
2.4 subsequent changes to the analysis, the commissioner must select the pavement strategy
2.5 and prepare a document of justification. At a minimum, the document of justification must:

2.6 (1) explain why the pavement strategy was selected;

2.7 (2) if the lowest life-cycle cost is not selected, justify why a strategy with a higher
2.8 life-cycle cost was selected; and

2.9 (3) include all comments and questions received during the review period and the
2.10 commissioner's responses to each.

2.11 (b) The commissioner must submit the analysis and document of justification to a licensed
2.12 professional engineer for review. A life-cycle cost analysis is not considered final until it
2.13 is certified and signed by a licensed professional engineer as provided by Minnesota Rules,
2.14 part 1800.4200.

2.15 (c) For all projects that began construction on or after January 1, 2024, the commissioner
2.16 must store all life-cycle cost analyses and documents of justification on the department's
2.17 website in a manner that allows the public to easily access the documents.

2.18 (d) After completing the certification and signature requirements in paragraph (b) and
2.19 the posting requirements in paragraph (c), the commissioner may advance the project to
2.20 substantial plan development.

2.21 **EFFECTIVE DATE.** This section is effective July 1, 2025.

2.22 Sec. 84. Minnesota Statutes 2022, section 174.185, subdivision 3, is amended to read:

2.23 Subd. 3. **Report.** By January 31 of each year, the commissioner shall ~~must~~ report ~~annually~~
2.24 to the chairs and ranking minority members of the ~~senate and house of representatives~~
2.25 legislative committees with jurisdiction over transportation policy and finance on life-cycle
2.26 cost analyses conducted under this section. At a minimum, the report must include
2.27 information on the results of the analyses ~~required in~~ under subdivision 2, the public review
2.28 under subdivision 2a, and the final section and document of justification under subdivision
2.29 2b.

2.30 **EFFECTIVE DATE.** This section is effective July 1, 2025."

2.31 Renumber the sections in sequence and correct the internal references

3.1 Amend the title accordingly