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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3594

02/13/2024

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to local government; authorizing all cities to designate lands for pedestrian

1.3 malls on city rights-of-way; amending Minnesota Statutes 2022, sections 162.02,

1.4 by adding a subdivision; 162.09, by adding a subdivision; 430.01, subdivisions 1,

1.5 2; 430.011, subdivisions 1, 2, 3; 430.023; 430.031, subdivision 1; 430.13; proposing

1.6 coding for new law in Minnesota Statutes, chapter 430; repealing Minnesota

1.7 Statutes 2022, section 430.01, subdivision 4.

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

1.9 Section 1. Minnesota Statutes 2022, section 162.02, is amended by adding a subdivision

1.10 to read:

1.11 Subd. 4a. Location and establishment; limitations. The county state-aid highway

1.12 system must not include a segment of a county highway that is designated as a pedestrian

1.13 mall under chapter 430.

1.14 Sec. 2. Minnesota Statutes 2022, section 162.09, is amended by adding a subdivision to

1.15 read:

1.16 Subd. 6a. Location and establishment; limitations. The municipal state-aid street

1.17 system must not include a segment of a city street that is designated as a pedestrian mall

1.18 under chapter 430.

1.19 Sec. 3. [430.001] DEFINITIONS.

1.20 Subdivision 1. Definitions. For the purposes of this chapter, the following terms have

1.21 the meanings given.

1.22 Subd. 2. City. "City" means a home rule charter or statutory city.

2.1 Subd. 3. **City council.** "City council" means the governing body of a city.

2.2 Subd. 4. **System of streets, parks, and parkways.** "System of streets, parks, and
 2.3 parkways" means a body of contiguous land designated to be used in part for streets and in
 2.4 part for parks or parkways.

2.5 Sec. 4. Minnesota Statutes 2022, section 430.01, subdivision 1, is amended to read:

2.6 Subdivision 1. **Streets; parks; and parkways.** The council and the board of park
 2.7 commissioners of a city ~~of the first class~~ may designate land to be acquired for a system of
 2.8 streets, parks, and parkways. They may take this action only by concurrent resolution adopted
 2.9 by a majority vote of each body. The land must be acquired under this chapter, in proceedings
 2.10 conducted either by the city council or the board of park commissioners, as stated in the
 2.11 resolution. The concurrent resolution must designate which part is for streets, which part is
 2.12 for parks, and which part is for parkways.

2.13 Sec. 5. Minnesota Statutes 2022, section 430.01, subdivision 2, is amended to read:

2.14 Subd. 2. **Parking lots; pedestrian malls and uses.** The council of a city ~~of the first~~
 2.15 ~~class~~ may by resolution designate land to be acquired, improved, and operated for motor
 2.16 vehicle parking lots. By resolution, the council may designate lands to be acquired, improved,
 2.17 and operated for pedestrian malls. By ordinance adopted under section 430.011, the council
 2.18 may designate ~~streets in central business districts~~ any property within a city right-of-way
 2.19 to be improved primarily for pedestrian uses.

2.20 Sec. 6. Minnesota Statutes 2022, section 430.011, subdivision 1, is amended to read:

2.21 Subdivision 1. **Legislative findings.** The legislature finds that: (1) increases in population
 2.22 and automobile usage have created traffic congestion in ~~central business districts of cities~~
 2.23 ~~of the first class cities~~; (2) those conditions endanger pedestrians and impede the movement
 2.24 of police and fire equipment, ambulances, and other emergency vehicles; (3) certain streets
 2.25 in those central business districts cities have been improved to their maximum width for
 2.26 sidewalk and roadway purposes and cannot be further widened without taking valuable
 2.27 buildings and improvements, substantially impairing the primary function of those city
 2.28 streets as pedestrian facilities, and impairing the cities' sources of tax revenue; and (4)
 2.29 limitation on the use of those streets by private vehicles may be found by the council of any
 2.30 city ~~of the first class~~ to be in the interest of the city and state, to be of benefit to adjoining
 2.31 properties, and to be essential to the effective use of the streets for street purposes.

3.1 Sec. 7. Minnesota Statutes 2022, section 430.011, subdivision 2, is amended to read:

3.2 Subd. 2. **Statement of policy.** It is the state's policy to permit the city council of any
3.3 city ~~of the first class~~ to protect the public welfare and the interests of the public in the safe
3.4 and effective movement of persons and to preserve and enhance the function and appearance
3.5 of ~~the central business districts of cities of the first class~~ cities by adopting pedestrian mall
3.6 ordinances under this section.

3.7 Sec. 8. Minnesota Statutes 2022, section 430.011, subdivision 3, is amended to read:

3.8 Subd. 3. **Pedestrian mall ordinances authorized.** (a) Except as provided in paragraphs
3.9 (b) and (c), a pedestrian mall ordinance may be adopted if the city council finds that:

3.10 (1) a street or a part of a street (i) is not a part of any ~~state~~ highway, (ii) is located
3.11 ~~primarily in a central business district~~ within a city right-of-way, and (iii) is improved to
3.12 its maximum width for roadway and sidewalk purposes, ~~and (iv) is congested during all or~~
3.13 ~~a substantial part of normal business hours;~~

3.14 (2) reasonably convenient alternate routes exist for private vehicles to other parts of the
3.15 city and state;

3.16 (3) continued unlimited use of the street or part of the street by private vehicles may
3.17 endanger pedestrians;

3.18 (4) abutting properties can reasonably and adequately receive and deliver merchandise
3.19 and materials from other streets and alleys or through arrangements for limited use of the
3.20 streets by carriers of merchandise and materials; and

3.21 (5) it would be in the best interests of the city and the public and of benefit to adjacent
3.22 properties to use the street primarily for pedestrian purposes and pedestrian use is the highest
3.23 and best use of the street or part of it.

3.24 (b) A pedestrian mall ordinance may be adopted relating to property that is a part of a
3.25 highway if the commissioner of transportation approves of the use of the property as a
3.26 pedestrian mall.

3.27 (c) A city must receive the approval of the county to use part of a county road as a
3.28 pedestrian mall and must collaborate with all relevant state and local governments in the
3.29 pedestrian mall planning process.

4.1 Sec. 9. Minnesota Statutes 2022, section 430.023, is amended to read:

4.2 **430.023 WHEN CLERK TO MAIL NOTICE IN CONDEMNATION**
4.3 **PROCEEDING.**

4.4 If a city ~~of the first class~~ is authorized in its charter to condemn property for public use
4.5 and to appoint commissioners to assess damages or benefits on condemned property and is
4.6 required by its charter to give notice of the filing of the commissioners' report, the city clerk
4.7 shall give the required notice. Notice must be given by mailing it to the person whose name
4.8 appears on the records of the auditor of the county in which the city is located as the person
4.9 who last paid the taxes on the property proposed to be taken, within 48 hours after the filing
4.10 of the commissioners' report.

4.11 Sec. 10. Minnesota Statutes 2022, section 430.031, subdivision 1, is amended to read:

4.12 Subdivision 1. **Limitation of actions.** No action may be commenced or maintained, and
4.13 no defense interposed, questioning the validity, regularity, or legality of all or part of a
4.14 pedestrian mall ordinance, or an amendment, to it adopted by a city ~~of the first class~~ under
4.15 section 430.011, subdivision 3 or 13 except by an appeal to the district court of the county
4.16 in which the city is located within 20 days after the final adoption and publication of the
4.17 ordinance or amendment.

4.18 Sec. 11. Minnesota Statutes 2022, section 430.13, is amended to read:

4.19 **~~430.13 SCOPE OF CHAPTER; DEFINITION; BONDED DEBT.~~**

4.20 ~~This chapter applies to cities of the first class.~~

4.21 ~~The term "city council" means the governing body of a city.~~

4.22 Certificates or bonds that may be issued to finance an improvement under this chapter
4.23 are part of the bonded debt of the city. In calculating the net indebtedness of the city due to
4.24 the issue of certificates or bonds, there may be deducted from the gross debt of the city the
4.25 amount of certificates or bonds that are payable wholly or partly from collections of special
4.26 assessments levied on property benefited by the improvements, including general obligations
4.27 of the issuing city, if the city is entitled to reimbursement, in whole or in part, from the
4.28 proceeds of special assessments levied upon property especially benefited by the
4.29 improvements.

4.30 Sec. 12. **REPEALER.**

4.31 Minnesota Statutes 2022, section 430.01, subdivision 4, is repealed.

430.01 DESIGNATION OF LAND FOR VARIOUS USES.

Subd. 4. **Definition.** As used in this chapter, the term "system of streets, parks, and parkways" means a body of contiguous land designed to be used in part for streets and in part for parks or parkways. The concurrent resolution must designate which part is for streets, which part is for parks, and which part is for parkways.