

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

1.3 On R19, Transportation Finance, Senate language, (UEH5242-1)

1.4 Page 9, delete section 9

1.5 On R99, Transportation Finance, Senate language, (UEH5242-1)

1.6 Page 88, delete section 83

1.7 On R122, Transportation Finance, Senate language, (UEH5242-1)

1.8 Page 105, delete section 108

1.9 On R123, Transportation Finance, Senate language, (UEH5242-1)

1.10 Page 105, delete sections 109 and 110

1.11 Page 106, delete section 111

1.12 On R124, Transportation Finance, Senate language, (UEH5242-1)

1.13 Page 106, delete sections 112 and 113

1.14 On R125, Transportation Finance, Senate language, (UEH5242-1)

1.15 Page 107, delete section 114 and insert:

1.16 "Sec. 107. Minnesota Statutes 2023 Supplement, section 473.3999, is amended to read:

1.17 **473.3999 LIGHT RAIL TRANSIT CONSTRUCTION; COUNCIL AUTHORITY;**
1.18 **STAFF ASSISTANCE; PROJECT MANAGER QUALIFICATIONS.**

1.19 Subdivision 1. Powers. ~~(a)~~ The Metropolitan Council may exercise the powers granted
1.20 in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct,
1.21 and equip light rail transit facilities in the metropolitan area as defined in section 473.121,
1.22 subdivision 2.

1.23 Subd. 2. Staff and project assistance required; Department of Transportation. ~~(b)~~

1.24 (a) Notwithstanding any cooperative agreement between the commissioner of transportation
1.25 and the Metropolitan Council in section 473.3994, subdivision 1a, if the council is the
1.26 responsible authority, the commissioner of transportation must provide staff and project
1.27 assistance to the council for review and oversight of the project's development. ~~To the extent~~
1.28 ~~practicable,~~ The Metropolitan Council must utilize the Department of Transportation staff
1.29 and project assistance for:

2.1 (1) the appropriate delivery method selection for the design, planning, acquisition,
2.2 construction, and equipping of light rail transit projects;

2.3 (2) risk assessment analysis and cost analysis in the planning, designing, and construction
2.4 of a light rail transit facility or a new light rail transit project, including but not limited to
2.5 the following:

2.6 (i) a critical path schedule for the planning and design phases of a project developed
2.7 jointly by the Metropolitan Council and the Department of Transportation;

2.8 (ii) peer reviews or value engineering reviews at various milestones established in the
2.9 critical path schedule created under item (i); and

2.10 (iii) Metropolitan Council participation in cost estimate reviews by third-party
2.11 independent cost estimators in conformance with Federal Transit Administration regulations
2.12 and guidance;

2.13 (3) contractor and subcontractor schedule analysis and contractual requirements, including
2.14 but not limited to the following:

2.15 (i) development and review of requests for proposals and bid documents prior to
2.16 advertisement and solicitation;

2.17 (ii) review of bids submitted prior to the award of bids;

2.18 (iii) review of draft contractual language prior to the execution of project contracts;

2.19 (iv) review of change orders for major cost items exceeding \$500,000 and schedule
2.20 delays of more than 30 calendar days prior to the execution of a change order; and

2.21 (v) participation in any dispute resolution process that may arise to address competing
2.22 claims or disputes between a contractor and the Metropolitan Council;

2.23 (4) light rail transit project cost management and budget analysis for the planning,
2.24 designing, and construction of a light rail transit facility or new light rail transit project,
2.25 including but limited to the following:

2.26 (i) recommendations to address or manage cost overruns or discrepancies, funding
2.27 sources, contingency funding sources and availability, and the management of state or
2.28 county financial resources;

2.29 (ii) recommendations on appropriate contractual enforcement mechanisms and penalties
2.30 for any Metropolitan Council agreement with a contractor; and

3.1 (iii) the development of future cost estimates and communication of projected cost
3.2 increases; and

3.3 (5) any other ~~technical~~ areas of expertise that the Department of Transportation may
3.4 offer.

3.5 (e) (b) The Metropolitan Council must provide the Department of Transportation all
3.6 relevant information required by this section. The project budget is responsible for costs
3.7 incurred by the Department of Transportation for duties required in this section.

3.8 (c) Staff from the Department of Transportation providing project assistance to the
3.9 Metropolitan Council must report to the commissioner of transportation. Staff assistance
3.10 from the Department of Transportation must include at least one licensed professional
3.11 engineer.

3.12 (d) If the Department of Transportation provides the Metropolitan Council with staff
3.13 and project assistance for the development of a light rail transit project as provided under
3.14 this section, the commissioner must submit and detail all recommendations made to the
3.15 council to the chairs and ranking minority members of the legislative committees with
3.16 jurisdiction over transportation policy and finance within 30 days of submitting its
3.17 recommendations to the council.

3.18 (e) The Metropolitan Council must give strong consideration to utilizing input or
3.19 recommendations developed by the Department of Transportation. If the Metropolitan
3.20 Council decides against utilizing input or recommendations from the department, the council
3.21 must reconcile significant deviations to the extent practicable and that portion of the project
3.22 cannot move forward from the critical path schedule's milestone until the recommendation
3.23 is reconciled. If the council has sufficient reasoning to justify not utilizing input or
3.24 recommendations from the department, the council must, within 30 business days, provide
3.25 written notice and documentation of the decision to the department and the chairs and
3.26 ranking minority members of the legislative committees with jurisdiction over transportation
3.27 finance and policy. The notice and documentation must provide the reasons why the council
3.28 is not utilizing the input or recommendations provided by the department.

3.29 Subd. 3. **Project manager; qualifications.** If the Metropolitan Council is the responsible
3.30 authority, the council must select a qualified project manager and lead project engineer with
3.31 at least ten years' transportation industry experience to lead the planning, design, acquisition,
3.32 construction, or equipping of a new light rail transit project.

3.33 **EFFECTIVE DATE.** This section is effective the day following final enactment for
3.34 light rail transit projects that commence construction on or after that date, but does not apply

- 4.1 to the Southwest light rail transit (Green Line Extension) project. This section is effective
- 4.2 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."
- 4.3 Renumber the sections in sequence and correct the internal references
- 4.4 Amend the title accordingly