

House Research Act Summary

CHAPTER: 295

SESSION: 2004 Regular Session

TOPIC: Omnibus transportation policy bill

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Article 1

Transportation Miscellaneous

Overview

This article retains various advisory and policy committees relating to the county and municipal state-aid systems that would otherwise expire. It also allows higher weights for vehicles hauling raw or unfinished forest products, reduces bond requirements for some dealers in small trailers, allows the Department of Public Safety to refuse vehicle registration to a carrier who has been banned from interstate operation, and provides a new process for background checks for applicants for a hazardous materials endorsement on driver licenses.

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- 1** **Cost-sharing agreements with tribes.** Provides that the authorization for MnDOT to enter into agreements with Indian tribes for maintenance, design, and construction of highways on tribal lands are cost-sharing agreements.
- 2** **Electronic bids on highway contracts.** Allows MnDOT to require that all bids of \$5 million or more for trunk highway contracts be submitted electronically.
- 3** **County state-aid advisory committee.** Provides that the advisory committee for county state-aid highway rules does not expire.
- 4** **Natural preservation route advisory committee.** Repeals the requirement that requests for designation of county state-aid highways as natural preservation routes be reviewed by an advisory committee in each MnDOT construction district. (Natural preservation routes are county state-aid highways that may be built to alternative standards that recognize

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environmental or scenic considerations.)

- 5 County state-aid screening board.** Provides that the county state-aid highway screening board does not expire.
- 6 Municipal state-aid advisory committee.** Provides that the advisory committee on municipal state-aid rules does not expire.
- 7 Municipal state-aid screening board.** Provides that the municipal state-aid street screening board does not expire.
- 8 Registration denial for prohibited vehicle.** Requires the Department of Public Safety to refuse to register a vehicle that is assigned to a motor carrier that has been prohibited by a federal agency from operating in interstate commerce. Allows the department to revoke the registration of a vehicle assigned to such a carrier. Allows reinstatement of registration if the federal prohibition is rescinded.
- 9 Dealer bonds.** Reduces from \$50,000 to \$5,000 the bond required for dealers in trailers with a manufacturer's rated carrying capacity below 15,000 pounds and designed to transport sham construction or farm machinery.
- Exempts dealers in such trailers from bonding regardless of carrying capacity if their annual sales are below \$500,000, or in the case of new dealers if the Department of Public Safety reasonably determines that their first-year sales will be below \$500,000.
- 10 Gross weight limits on vehicle hauling forest products.** Allows a vehicle or combination hauling raw or unfinished forest products by the most direct route to the nearest ten-ton highway, to be operated under an annual permit on any nine-ton route with gross vehicle weight up to 90,000 pounds, or 98,000 pounds during winter weight increases, except that:
- seasonal weight limits must be observed
 - road and bridge postings must be observed
 - operation is not permitted on interstate highways
 - a permit is required under section 27
- 11 Local weight limits.** Allows a local road authority to designate highways and streets under its jurisdiction to carry ten tons without approval by MnDOT. Under present law such designations are done by MnDOT with local approval.
- 12 Permits.** Provides for a \$300 annual permit for vehicles hauling forest products under section 10. Provides allocation of revenue from the fee:
- FY 2005 through 2010, first \$50,000 to the trunk highway fund, remainder to a special revenue account appropriated to the commissioner of transportation for local bridge inspection, identification of local bridges requiring posting, erection of posting signs
 - FY 2011 and after, 100 percent to trunk highway fund
- 13 Reinstatement fee.** Deletes a reference to paying a reinstatement fee for a driver's license revoked for failure to maintain insurance. (Licenses that are revoked are not reinstated but must be reissued.)
- 14 Hazardous materials endorsement.** Requires applicants for a hazardous materials

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endorsement on a driver's license to comply with federal regulations governing such transportation. Allows the Department of Public Safety to charge a fee of up to \$100 for the actual costs of conducting a background check on endorsement applicants. Provides for deposit of the fee in the special revenue fund and appropriates the proceeds to the department for the cost of the background checks. Allows the department to adopt rules to implement this section.

- 15** **Trunk highway corridor projects account advisory committee.** Provides that the advisory committee for expenditures from the trunk highway corridor projects account in the local road improvement program does not expire.
- 16** **Seizure of property.** Adds the driver and vehicle services division of the Department of Public Safety to the list of state and local agencies that may seize property associated with certain offenses. Allows the agency to seize property only as a result of fraud and other unlawful acts relating to driver's licenses.
- 17** **Repealer.** Repeals the law establishing the Major Transportation Projects Commission.
- 18** **Effective date.** Makes sections providing for continuation of advisory committees effective retroactive to July 1, 2003.

Article 2**Highway Safety Rest Areas****Overview**

This bill makes various changes in the laws governing highway rest areas to allow leases to public or private entities and sale of items at rest areas.

- 1** **Commercial establishments in rest areas.** Amends the law that prohibits commercial establishments within the right-of-way of a controlled-access highway by allowing acknowledgement signs under section 4. Changes a reference to tourist information centers to travel information centers.
- 2** **Leases of rest areas.** Allows the Department of Transportation to make leases for highway rest areas.

Subd. 1. Lease agreements. Allows the Department of Transportation to make lease agreements, through negotiations with public or nonprofit entities or best-value with private entities, relating to use of rest areas and travel information centers. Defines "private entities" as chambers of commerce, tourist bureaus, and other tourism and economic development agencies.

Allows leases to:

- **be for up to 20 years**
- **allow a lessee to operate a rest area wholly or partly**
- **allow the lessee to sell products or services appropriate to the rest area**
- **allow the lessee to make leasehold improvements with department approval**

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Requires lease agreements to promote and encourage employment of needy elderly persons. Allows acknowledgement signs for lessee.

Subd. 2. Lease revenues. Requires lease revenue to be deposited in the safety rest area account.

Subd. 3. Other law. Specifies that the bill does not affect contracts made for operation of vending machines by the blind.

3 Sales at rest areas. Regulates sales at rest areas.

Subd. 1. Sales authorized. Allows the department to sell travel and tourism-related publications and maps and travel and tourism-related merchandise and services. Allows the department to rent or sell items for the convenience of rest area users, including lottery tickets, tickets to local attractions, and governmental permits and licenses. Allows the department to collect a service fee for tickets, permits, and licenses.

Subd. 2. Advertising. Allows the department to advertise availability of program or item offered at a rest area.

Subd. 3. Software sales. Allows the department to sell or license intellectual property and software products or services developed by a government unit, or custom-developed by a vendor for a government unit.

Subd. 4. Revenues. Requires money received for sales under this section to be deposited in the safety rest area account.

Subd. 5. Competing merchandise. Requires the department and State Services for the Blind to make an agreement defining and regulating sale of merchandise that competes with sales made by the blind.

4 Sponsorship. Provides for sponsorship of rest areas.

Subd. 1. Sponsorship program. Allows the department to make agreements for public or private sponsorship of rest areas by transportation and tourism-related entities. Allows acknowledgement signs on highways. Requires signs to be no more than 100 square feet and to conform to federal standards and the state manual on uniform traffic control devices.

Subd. 2. Revenue. Requires deposit of revenue from sponsorships in the safety rest area account.

Subd. 3. Prohibition. Prohibits action under this section that would result in loss or repayment of federal funds.

5 Sale of surplus property. Provides for sale of surplus rest area property.

Subd. 1. Reconveyance. Allows the department to sell land no longer needed for

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rest areas, subject to the general law that requires the department in most cases to offer to sell the surplus land to the previous owner.

Subd. 2. Proceeds. Requires proceeds from sale of surplus rest area land and buildings to be deposited in the safety rest area account. Appropriates the proceeds to the department for the actual cost of selling the property, real estate brokerage fees, fees, and any other expenditure authorized from that account.

Subd. 3. Prohibition. Prohibits action under this section that would result in loss or repayment of federal funds.

6 Safety rest area account. Creates a safety rest area account.

Subd. 1. Established. Creates a safety rest area account in the trunk highway fund.

Subd. 2. Deposits. Requires revenues from rest area leases, sponsorships, advertising, sale of surplus rest area property, and other rest area revenue to be deposited in the account.

Subd. 3. Expenditures. Appropriates money in the account to the commissioner of transportation. Allows the department to spend money in the account to fund rest areas, including administration, maintenance, operations, development, improvements, customer services, and other activities.

7 Advertising program. Repeals the law authorizing the department to establish a franchise program to lease space in travel information centers and rest areas, and substitutes an authorization to lease advertising space in them. Repeals a reference to the initial phase of the franchise program. Allows the department to make contracts to permit vendors to construct, operate, and maintain additional information structures on rest area land.

8 Franchise agreements. Repeals references to franchises for travel information at rest areas, and replaces them with references to agreements and vendors. Requires that revenues from travel information agreements be deposited in the safety rest area account. Allows the Department of Transportation and Office of Tourism to make an agreement to define distribution of revenues.

9 Additional franchise provisions. Deletes references to franchises for travel information at rest areas, and replaces them with references to agreements and vendors. Corrects a reference to federal law. Changes tourist information centers to travel information centers.

10 Plans for public travel facilities. Allows vending machines at rest areas to sell other items besides food, nonalcoholic beverages, and milk.

11 Franchise agreements. Deletes a reference to franchises in the law that exempts travel information agreements from general law on DOT leases.

12 Franchise agreements. Deletes a reference to franchises in the law that exempts travel information agreements from general law on leases of airspace or subspace over or under highways.

13 Franchise agreements. Deletes a reference to franchises in the law that exempts travel information agreements from general law that prohibits erection of permanent buildings on highway right-of-way.

14 Moratorium. Until July 1, 2005, prohibits MnDOT from closing any rest area that was open

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on January 1, 2004, or reducing the hours at a rest area substantially below the hours in effect on January 1, 2004. Effective immediately.

15 **Revisor instruction.** Directs the Revisor of Statutes to renumber statutes and correct cross references.