

HOUSE RESEARCH

Bill Summary

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Overview

This bill specifies a new local approval process for the metropolitan council's transit and wastewater treatment capital improvement projects that applies to projects where the council has eminent domain powers. The process is substantially similar to the local approval process for state highway projects within city boundaries.

Section

1 Definitions.

Subd. 1. Applicability. Statutory sections where definitions apply.

Subd. 2. Capital improvement project. Means transit and wastewater treatment facilities projects for which the metropolitan council has eminent domain powers.

Subd. 3. Final layout. Means drawings showing the location, character, dimensions, access, property or right-of-way limits, and explanatory information.

Subd. 4. City. Means a city in the metropolitan area.

Subd. 5. Governing body. Means city council.

2 Approval of final layout.

Subd. 1. Submission of final layout. Requires the metropolitan council to submit final layout and supporting data (including description of property that may be taken by eminent domain) to city where project is to be constructed.

Section

Subd. 2. Governing body action. After receiving the final layout, within 15 days the city must schedule a hearing. The hearing must be held within 60 days of receipt, with at least 30 days notice. The city must make a decision within 90 days. If the city does not disapprove, the metropolitan council may proceed. If the metropolitan council makes significant changes to a layout which a city has approved, then the metropolitan council must resubmit the changed portion of its plans. The metropolitan council may appeal an unfavorable decision to an appeal board consisting of a member appointed by the chair of the metropolitan council, a member appointed by the city, and a third member agreed upon by both parties.

Subd. 3. Appeal board. Requires the appeal board to hold a hearing within 30 days of referral, with the metropolitan council and the city each able to present their case. The appeal board shall submit findings and recommendations within 60 days.

3 Council action.

Subd. 1. Action on approved final layout. If the appeal board approves the layout, or if the appeal board does not submit findings within 60 days, the final layout is deemed approved and the metropolitan council may proceed with the project. The metropolitan council must resubmit the final layout to the city if it contains significant changes from the layout approved by the appeal board.

Subd. 2. Action on final layout approved with changes. If the appeal board makes modifications, the metropolitan council can either prepare final construction plans and proceed with the project as modified, forego the project, or prepare and resubmit a new final layout to the city. If the final construction plans contain significant changes in the acquisition of real property, the portion of the plans containing the changes must be resubmitted to the city.

Subd. 3. Action on disapproved final layout. If the appeal board disapproves the final layout, the metropolitan council may forego the project or resubmit a new final layout to the city.

4 Applicability. Applies in the seven-county metropolitan area.