

# HOUSE RESEARCH

## Bill Summary

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### Overview

This is the transportation policy omnibus bill.

- 1 **Bicycle use of trails.** Prevents prohibition of electric-assisted bicycles (unless there are issues with safe use) on any state trail (managed by the Department of Natural Resources) where bikes are allowed.
- 2 **Authority of local government.** Prevents prohibition of electric-assisted bicycles (unless there are issues with safe use) on any trail under a Department of Natural Resources grant program on which bikes, or nonmotorized use more generally, are allowed.
- 3 **Nonmotorized use trails.** Makes a conforming change to, in effect, treat operation of electric-assisted bicycles as nonmotorized use.
- 4 **Powers of political subdivision.** Prevents a county, city, town, park board, or other local unit of government from prohibiting electric-assisted bicycles (unless there are issues with safe use) on dedicated bicycle paths, bicycle lanes established on a roadway, roadways, and shoulders.
- 5 **[160.266] Mississippi River Trail.** Requires MnDOT, in conjunction with local authorities and the Minnesota Department of Natural Resources, to identify a Mississippi River Trail bikeway. Specifies the general route, requires support of connections to other trails, authorizes contracts and agreements, and provides for eligible funding sources.
- 6 **Veterans Memorial Highway.** Eliminates a reference to the route number identified in state statute for a portion of Trunk Highway 200 running from the North Dakota border that is named "Veterans Memorial Highway."
- 7 **Arianna Celeste MacNamara Memorial Bridge.** Designates a pedestrian bridge over Trunk Highway 14 in Rochester as the "Arianna Celeste MacNamara Memorial Bridge." Directs the Department of Transportation to erect signage near the bridge. The signs must be paid for through nonstate sources of funds.
- 8 **[161.3207] Construction manager/general contractor contracts; definitions.** Defines terms for

new provisions governing MnDOT contracting with construction managers/general contractors.

- 9** [161.3208] **Construction manager/general contractor authority.** Authorizes MnDOT to enter into contracts for construction manager/general contractor services. Establishes powers for soliciting and into entering into a contract. Requires a legislative report.
- 10** [161.3209] **Construction manager/general contractor; procedures.** Establishes a process for construction manager/general contractor solicitation, evaluation, and selection.
- 11** **Small business contracts.** Revises MnDOT's targeted group business program for providing preferences in state-funded transportation contracts. Limits eligibility and requires a legislative report. Makes technical changes.
- 12** **Working capital fund.** Narrows eligibility to small businesses, updates terminology, and revises references to federal regulations, in a MnDOT provision allowing for grants to nonprofit organizations that provide or assist with loans to small disadvantaged businesses to help them obtain governmental contracts.
- 13** **Formula for distribution to towns; purposes.** Modifies the local effort requirement for a town to be able to receive state road aid, to eliminate a required previous year levy by the town for transportation purposes on the basis of market value.
- 14** **Municipal state-aid transition.** Sets a city population at 5,000 for purposes of receiving municipal state-aid street (MSAS) funds, if the city had a 5,000 or higher population just before the federal census but dropped to under 5,000 in the census. Allows such cities to continue to receive MSAS funds for four years.
- 15** **Noncommercial vehicle.** Defines "noncommercial vehicle" for the chapter on vehicle registration and plates, to be a one-ton pickup truck (1) that is registered as a truck, (2) that has a gross vehicle weight of 15,000 pounds or less, and (3) for which the vehicle owner has submitted a declaration that the vehicle is solely for personal use.
- 16** **One-ton pickup truck.** Defines "one-ton pickup truck" for the chapter on vehicle registration and plates, to be a pickup truck that (1) has a rated carrying capacity of one ton, or (2) if the carrying capacity is not known, has a gross vehicle weight that is between 10,001 and 15,000 pounds.
- 17** **Passenger automobile.** Modifies the definition of "passenger automobile" for the chapter on vehicle registration and plates, to eliminate a provision that has not yet gone into effect allowing certain noncommercial pickup trucks and vans to be registered and pay registration taxes in the same manner as passenger automobiles (such as cars, station wagons, and SUVs).
- 18** **Pickup truck.** Modifies the definition of "pickup truck" for the chapter on vehicle registration and plates, to include pickup trucks with a gross vehicle weight of less than 10,000 pounds when the rated carrying capacity of the truck is unknown.
- 19** **Van.** Modifies the definition of "van" for the chapter on vehicle registration and plates, to include vans with a gross vehicle weight of less than 10,000 pounds when the rated carrying capacity of the van is unknown.
- 20** **Vehicles exempt from tax, fees, or plate display.** Allows Department of Natural Resources (DNR) vehicles used by DNR conservation officers to be unmarked when registered as tax-exempt.
- 21** **Exceptions.** Eliminates a provision requiring that a vehicle's title be stamped with the end date of the registration period when the vehicle is used for rentals by a vehicle lessor and registered for a period that is shorter than the typical 12-month cycle. Establishes that the registration period following initial registration as a nonrental vehicle is a standard 12-month period.

- 22** **Plates for physically disabled persons.** Allows issuance of a disability motorcycle plate in addition to one set of disability plates for a passenger vehicle, without prior approval for plates on multiple vehicles by the Council on Disability. Replaces a description of one-ton pickup trucks with the term newly defined in the bill. Makes clarifying and technical changes.
- 23** **Plates; design, visibility, periods of issuance.** Requires plates issued to noncommercial vehicles to be designed to include the inscription "noncommercial" unless a special plate is issued for the vehicle. Clarifies that special plates, if authorized for one-ton pickup trucks, can be issued for one-ton pickups that are used for commercial purposes and required to display a US DOT number.
- 24** **Firefighters; special plates, rules.** Replaces a description of one-ton pickup trucks with the term defined in the bill. Makes technical changes.
- 25** **Additional fee.** Requires Driver and Vehicle Services (DVS) in the Department of Public Safety to include a mechanism for vehicle owners to donate \$2 for organ donation educational programs as part of vehicle registration and renewal.
- 26** **General requirements; fees.** Replaces a description of one-ton pickup trucks with the term defined in the bill.
- 27** **Centralized record keeping.** Amends procedures governing when a vehicle dealer keeps vehicle titles in a centralized location, so that (1) dealers must apply to the Department of Public Safety to maintain vehicle records at the alternative location, and (2) a prerequisite of having at least three dealers under central management is reduced to two dealers.
- 28** **Public impound lot.** Shifts certain impound lots to be treated in state statutes as nonpublic lots instead of public lots, if the lot is privately owned and does not operate under a contract with a local governmental unit solely for public use. For applicable lots, the change has the effect of (1) allowing the lot operator to retain all proceeds from sale of a vehicle and its contents after following statutory procedures; and (2) providing that the lot operator can make a deficiency claim against the vehicle owner for any losses incurred in towing and storing the vehicle.
- 29** **Electric-assisted bicycle.** Amends the definition of electric-assisted bicycle to clarify the vehicle type and include bicycles that are regulated by the Consumer Products Safety Commission. The change has the effect of treating all bicycles with attached motors (that also meet certain requirements) as electric-assisted bicycles regardless of which federal agency regulates the equipment and manufacture of the bicycle.
- 30** **Working on highway.** Broadens the exceptions from weight limits on vehicles operated for road authorities (such as MnDOT, counties, and cities), to (1) add an exception for preparation and movement of equipment to handle snow, ice, and slippery conditions; and (2) extend the weight limits exception for those performing snow or ice removal to cover all persons operating a vehicle on behalf of a road authority.
- 31** **Trains.** Exempts train engineers, conductors, and other train crew members from (1) being required by a peace officer to provide a driver's license in relation to operation of a train or other on-track equipment, and (2) issuance of a citation for violating driver's license or traffic regulation prohibitions that involve operation of a train or on-track equipment.
- 32** **Traffic-control signal.** Clarifies signage, driving, and right-of-way rules with circular green signals.
- 33** **Flashing signal.** Clarifies driving and right-of-way rules with flashing circular yellow signals and flashing yellow arrow signals. Establishes that a driver must yield right-of-way to certain pedestrians and other vehicles when facing a flashing yellow arrow.

- 34 Signal to turn.** Exempts a motorist from having to signal a turn 100 feet prior to turning, when exiting a roundabout.
- 35 Other operation requirements and prohibitions.** Establishes that unless specifically prohibited, a person can operate an electric-assisted bicycle on a dedicated bicycle path, a bicycle lane established on a roadway, a signed bicycle route, and a state trail that permits other bicycles. Makes conforming changes.
- 36 Use of shoulders by buses.** Expands authority for buses to operate on the shoulder of freeways (divided highways with limited access) and expressways (divided highways with partial access control), so that counties and towns having jurisdiction over the road can authorize the buses.
- 37 Scope of privilege.** Eliminates a requirement that a disability certificate displayed on the dash board of a vehicle must be placed on the driver's side. Provides for display of a disability certificate on a motorcycle through securing it to the vehicle (instead of hanging it on a rearview mirror). Clarifies that the disability parking privileges provision applies only to eligible vehicles that bear disability plates or a certificate.
- 38 Identifying certificate.** Mandates the Department of Public Safety to issue disability parking certificates that can be readily secured to motorcycles. Clarifies that the certificate issuance provision applies only to eligible vehicles.
- 39 Misdemeanor; enforcement.** Amends an exemption from conviction for a violation of disability parking restrictions when the person charged is entitled to a disability plate or certificate. Limits the exemption so that a permit or certificate used to establish disability parking eligibility cannot have been expired for more than 90 days. Requires a permit or certificate that has expired to be turned in.
- 40 Crossing control arm.** Requires all school buses used in Minnesota that are manufactured after January 1, 2012, to be equipped with a crossing control arm on the front right bumper. The arm must be automatically activated in conjunction with flashing red lights.
- 41 Colored light.** Permits a vehicle to have red or other colored lights that do not meet lighting requirements in law, if the vehicle (1) was originally manufactured as an emergency vehicle (such as a fire truck), (2) bears one of the various collector and classic car license plates, and (3) is not used for general transportation purposes. The lights can only be used in special events.
- 42 Exceptions.** Eliminates an exception for certain lighter school buses from mandatory use of child restraints. The exception that applies to some type III vehicles (that are manufactured as buses) as well as type A-I school buses is removed, so that child restraints are required for a type III vehicle or school bus having a gross vehicle weight rating of 10,000 pounds or less.
- 43 Display and inspection of permit.** Permits carrying an electronic instead of physical permit when transporting an overdimensional load by special permit. Narrows authority for who can inspect the permit. Makes technical changes.
- 44 Fees; proceeds deposited; appropriation.** Authorizes MnDOT to issue annual special permits for hauling oversize waterfront structures such as boat lifts and portable docks. Adds an additional weight class (145,001 to 155,000 pounds) and corresponding fee (\$900) to an alternative fee schedule that is in statute for certain overdimensional vehicle annual permits. Makes technical changes and removes obsolete language.
- 45 Speed.** Makes a conforming change.
- 46 Revocation periods for DWI convictions.** Recodifies language on license revocation periods for DWI-related offenses, which is repealed in the bill, to place all relevant provisions into one section of

statutes. Makes technical changes.

- 47**     **Applicability of implied consent revocation.** Narrows the alcohol concentration cut-off allowed for a reduced driver's license revocation period (of 60 or 90 days) instead of a longer period (of at least one year) for DWI violations under certain circumstances. The shorter period could apply with an alcohol concentration of up to twice the legal limit (0.16 BAC) instead of up to 0.20 BAC. (This provision is in line with changes made last year in chapter 366 throughout the license revocation provisions, which along with this section are set to go into effect July 1, 2011.)
- 48**     **Persons exempt.** Exempts train engineers, conductors, and other train crew members from the requirements of holding a driver's license to operate a train or other on-track equipment.
- 49**     **Person less than 18 years of age.** Modifies driver's education requirements for a person under age 18 to obtain an instruction permit, so that (1) the classroom/theory portion of driver's education can be completed through an online program approved by the Department of Public Safety; and (2) a permit can be issued to someone who has not yet completed the classroom phase of driver's education but is concurrently taking behind-the-wheel.
- Establishes a completion certificate and imposes a \$2 per certificate fee on online driver's education providers, which "blinks off" once the department's costs to implement the program are covered via a statutory appropriation. Modifies the set and order of precedence of adults who can approve the application for an instruction permit (such approval is one of the statutory requirements for obtaining the permit). Makes technical changes.
- 50**     **Fees.** Modifies a provision governing fees for driver's licenses. Establishes a \$5 program implementation fee for agency costs to implement concurrent driver's education (classroom instruction along with behind-the-wheel). Requires DVS to include a \$2 donation option for driver's licenses and Minnesota identification cards as part of the application, to go towards organ donation educational programs.
- 51**     **Fee; equipment.** Allows payment of driver's license and identification card fees by credit or debit card, and authorizes driver's license agents (who perform driver licensing under the purview of the Department of Public Safety) to impose a convenience fee. Any convenience fee must not exceed the cost of processing credit and debit card transactions. Provides streamlined rulemaking authority concerning the payments.
- 52**     **Driver education content.** Requires the Department of Public Safety to amend its administrative rules on driver education by January 1, 2012, to include instruction on carbon monoxide. Exempts the rules from the full rulemaking process. Makes technical changes.
- 53**     **[171.0703] Internet-based driver education.** Directs the Department of Public Safety to include, in its rulemaking on online driver's education, a maximum of three hours per day of online instruction.
- 54**     **[171.075] Anatomical gifts.** Establishes an account and makes a statutory appropriation from the account, from funds provided through optional \$2 donations collected as part of driver licensing and vehicle registration. Appropriated funds are for administrative expenses and distribution as grants for programs to increase organ and tissue donation registration.
- 55**     **Certain convictions not recorded.** Prohibits speed limit violations of up to (and including) ten miles per hour over the speed limit in both 55 and 60 miles per hour zones from going on a person's driving record.
- 56**     **Examination subject and locations; provisions for color blindness, disabled veterans.** Amends the required items on the knowledge test for a driver's license to include carbon monoxide poisoning. Makes technical changes. The change is effective January 1, 2012.

- 57 Driver's manual; carbon monoxide.** Requires that the next edition of the driver's manual produced after August 1, 2011, by the Department of Public Safety, must include information on carbon monoxide poisoning.
- 58 Expiration of license; military exception.** Extends the length of time a driver's license remains valid for a service member who is serving in active military service outside the state of Minnesota, as well as for the service member's spouse.
- 59 Conditions of issuance.** Makes conforming changes.
- 60 Issuance of restricted license.** Makes conforming changes.
- 61 Alternative financing and investment in transportation projects.** Authorizes MnDOT to undertake a pilot project that uses alternative financing under agreement with a governmental or nongovernmental agency as a financing or investment source, subject to funding availability and sign-off from the Department of Management and Budget. Requires legislative reporting on the financial details of the agreement.
- 62 Report on major highway projects and trunk highway fund expenditures.** Expands and centralizes MnDOT reporting on highway project and trunk highway finance. Reduces the project cost threshold for including projects in the report, adds additional detail to be provided, and recodifies a separate report on trunk highway fund expenditures. Provides delayed effective dates on some of the new reporting requirements.
- 63 Passenger rail; commissioner's duties.** Requires MnDOT to preserve railroad employee rights under various federal laws if undertaking a passenger rail project.
- 64 Dan Patch line.** Defines the "Dan Patch line" between Northfield and Minneapolis, for sections of statute governing commuter rail.
- 65 Dan Patch line.** Prohibits MnDOT, the Metropolitan Council, and local units of government from expending funds specifically for analysis or development of the Dan Patch line. This codifies a similar, more restrictive prohibition from 2002 (which is repealed in section 77 of the bill).
- 66 Waiver for other medical condition.** Modifies the requirements for a commercial vehicle driver to be able to obtain a state waiver from certain physical and physician certification requirements, applicable to intrastate vehicle operation. Under the change, a waiver cannot be granted if the applicant has in the previous three years been convicted of various driver's license violations (such as driving on a suspended, canceled, or revoked license).
- 67 Contract.** Eliminates an obsolete reference to a federal rail program that no longer exists.
- 68 Participation by political subdivision.** Eliminates an obsolete reference to a federal rail program that no longer exists.
- 69 Acceptance of federal money.** Eliminates an obsolete reference to a federal rail program that no longer exists.
- 70 Rail bank property use; misdemeanor.** Amends a provision on state rail bank property, to expand the list of restricted activities on the property; allow for placement of fencing and signs if authorized by MnDOT; and make knowing violations of the statute a misdemeanor instead of a petty misdemeanor.
- 71 License reinstate diversion pilot program.** Makes various modifications to a 2009 pilot program for issuing a special diversion driver's license to offenders who been charged with driving on a suspended or revoked non-commercial license and agree to pay their outstanding fees, fines, and

surcharges back in installments as well as meet the various program requirements. Changes include allowing counties to participate in the pilot and extending the program sunset by two years (from June 30, 2011, to June 30, 2013).

- 72 Alternative route election for highway 53.** Directs MnDOT to designate one of two specific options as the alternative route for realigning a stretch of Trunk Highway 53 near Virginia. The designation must occur by March 15, 2015, with construction on the new route to begin by June 1, 2015.
- 73 Variance; seaplane base.** Requires MnDOT to issue a variance for licensing a public seaplane on Flekkefjord Lake, which abuts the Elbow Lake Municipal Airport, and allows the agency to establish any necessary conditions on the license.
- 74 Report on anatomical gift account.** Mandates a one-time legislative report by February 1, 2013, from the Department of Public Safety on the finances of donated funds for organ donation education programs.
- 75 2012 and 2013 reports on major highway project and trunk highway fund expenditures.** Adds additional requirements to a MnDOT legislative report being modified in section 62 of the bill, so that for the 2012 and 2013 issuances of the report, MnDOT must perform evaluations of certain agency data management systems either by internal or external audit.
- 76 Revisor's instruction.** Makes a technical change, to instruct the Revisor of Statutes to recodify provisions governing the driver's manual into a new, separate section of statutes.
- 77 Repealer.**
- (a)** Removes Trunk Highway 332, which runs between U.S. Highways 71 and 53 south of International Falls, from the trunk highway system and turn it over to the county state-aid highway system. The change is effective once MnDOT notifies the Revisor of Statutes that the conditions for the turnback have been met.
  - (b)** Removes a definition of a federal rail program that no longer exists.
  - (c)** Repeals a MnDOT report that is recodified in section 62 of the bill (which combines two agency reports into one).
  - (d)** Repeals a provision requiring display of the DNR department's name on both sides of a vehicle.
  - (e)** Repeals a prohibition prohibiting analysis and development of the Dan Patch commuter rail line. A similar provision is codified in sections 64-65 of the bill.
  - (f)** Repeals a provision on DWI license revocation that is recodified in section 46 of the bill.
  - (g)** Makes a conforming change, to eliminate a delayed effective date of March 1, 2012, on a pickup truck definition that is being revised in the bill.