

HOUSE RESEARCH

Bill Summary

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Authors: Hornstein

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Analyst: Matt Burress, 651-296-5045

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Overview

This bill, as proposed to be amended by the H2360DE2 amendment, contains a transportation supplemental budget as well as finance provisions. Article 1 consists of direct appropriations, transfers, and modifications to appropriations in the 2014-15 biennial budget (enacted in 2013). Article 2 contains various railroad and pipeline safety provisions related to transportation of oil and other hazardous materials. Article 3 contains various transportation finance items and provisions having a fiscal impact.

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Article 1: Transportation Appropriations

Overview

This article contains direct appropriations from the general fund and trunk highway fund, a general fund transfer, and adjustments to appropriations for fiscal years 2014-15 made in the biennial transportation budget.

- 1 Appropriations.** Defines terms. Establishes that appropriations are from the general fund, unless another is named, for the agencies and purposes specified, and do not adjust base appropriations.
- 2 Department of transportation.** Makes general fund and trunk highway fund appropriations to the Minnesota Department of Transportation for fiscal years 2014 and 2015. General fund

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appropriations in fiscal year 2015 consist of:

- ▶ \$32,000 for free 2014 election day transit service in greater Minnesota
- ▶ \$250,000 for non-capital expenditures in the Safe Routes to School Program
- ▶ \$5 million for highway-rail grade crossings in corridors where oil and other hazardous materials are transported
- ▶ \$500,000 for the Port Development Assistance Program
- ▶ \$4 million for the Transportation Economic Development Program
- ▶ \$15 million for the Corridors of Commerce Program
- ▶ \$5 million, in total, for materials in winter-related local road repair (allocated in proportions matching constitutional and state-aid distribution formulas)

- 3 Metropolitan Council.** Makes a total of \$15.4 million in general fund appropriations to the Metropolitan Council in fiscal year 2015. Specifies uses of the funds, which consist of arterial bus rapid transit, bus rapid transit stations, transit shelter improvements, and covering costs of free election day transit service. Requires allocation of \$250,000 to suburban transit providers based on a listing of expenditures developed by the providers.
- 4 Department of Public Safety.** Makes a \$2 million general fund appropriation to the Department of Public Safety in fiscal year 2015, and increases the general fund base appropriation by \$2 million annually.
- 5 Transfer; railroad and pipeline safety.** Transfers \$2.5 million in fiscal year 2015 from the general fund into a new railroad and pipeline safety account (being established in article 2 of the bill).
- 6 Rochester maintenance facility.** Reduces the appropriation under 2010 capital investment legislation for a new maintenance facility in Rochester.
- 7 Trunk highway fund bond proceeds account.** Reduces the bond sale authorization amount corresponding with the change in section 6.
- 8 Rochester maintenance facility.** Increases the appropriation under 2012 legislation for a new maintenance facility in Rochester (matching the amount of the reduction in section 6).
- 9 Trunk highway fund bond proceeds account.** Increases the bond sale authorization amount corresponding with the change in section 8.
- 10 Transfers, reductions, cancellations, and bond sale authorizations reduced.** Modifies cancellation of excess funds appropriated for trunk highway repairs due to flooding in 2007, to reduce the amount canceled under a 2012 law.
- 11 Multimodal Systems.** Increases appropriations by \$1 million in fiscal year 2014 and \$3 million in 2015 made in the 2014-15 biennial budget from the state airports fund for aeronautics (which reduces the fund balance). Permits alternative local contribution rates for funded airports projects compared to what is otherwise required in state statute.

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- 12 State Roads.** Makes various increases to trunk highway fund appropriations made in the 2014-15 biennial budget, for operations and maintenance, program planning and delivery, and state road construction. Changes include:
- ▶ \$13 million for various operations and project management investments
 - ▶ \$5 annually for snow plowing equipment replacement, which is added to the base appropriation for operations and maintenance
 - ▶ \$6 million authorized for transfer to the Stillwater lift bridge account
 - ▶ \$14 million for improvements to Old Highway 14 as part of a settlement agreement
- 13 Metropolitan Council.** Reduces the Metropolitan Council appropriation by \$60,000 in fiscal year 2015 made in the 2014-15 biennial budget from the general fund for transit, and adjusts the base appropriation. (There is a corresponding appropriation increase for the Department of Public Safety.)
- 14 Traffic Safety.** Increases the Department of Public Safety appropriation by \$60,000 in fiscal year 2015 made in the biennial budget from the general fund for light rail transit safety oversight, and adjusts the base appropriation. (There is a corresponding appropriation decrease for the Metropolitan Council.)
- 15 Effective date; superseding provisions.** Eliminates some of the appropriations and the general fund transfer if a separate bill, H.F. 2395, is enacted.

Article 2: Railroad and Pipeline Safety

Overview

This article addresses transportation of oil and other hazardous materials by rail and pipeline, including specifying additional responsibilities in emergency planning and preparedness for railroad and pipeline owners; identifying agency duties; increasing the number of state rail safety inspectors; assessing railroad and pipeline companies \$2.5 million annually over five years for training and preparedness on oil and other hazardous materials spills; allocating assessment funds; and requiring legislative reports.

- 1 Listed sensitive area.** Defines a term for the chapter on environmental protection.
- 2 Local incident commander.** Defines a term for the chapter on environmental protection.
- 3 Unit train.** Defines a term for the chapter on environmental protection.
- 4 [115E.042] Preparedness and response for certain railroads and pipelines.**

Subd. 1. Application. Requires owners of unit trains and pipelines to comply with this section.

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Subd. 2. Training. Requires a railroad to offer, by June 30, 2016, specific training to each fire department along the route of a unit train and refresher training every three years thereafter.

Subd. 3. Coordination. Requires a railroad or pipeline company to meet annually or more often with each city or county emergency manager and a senior fire department officer in areas along the route of a unit train or pipeline.

Subd. 4. Response capabilities, time limits, drills. Makes a railroad or pipeline company responsible for deploying sufficient equipment and resources to a discharge site following a discharge. Specifies what resources are required to be deployed at a discharge site at various time periods after a discharge.

Subd. 5. Prevention and response plans; approval. Requires a railroad or pipeline company to submit a response plan that must be approved by the commissioner of pollution control, and is due by June 30, 2015. Plans must be updated and submitted for approval every three years.

- 5 **Railroad and pipeline preparedness; pollution control.** Identifies Pollution Control Agency duties with respect to environmental protection activities related to railroad and pipeline preparedness.
- 6 **Railroad and pipeline preparedness; public safety.** Identifies Department of Public Safety duties with respect to public safety activities related to railroad and pipeline preparedness.
- 7 **Positions established; duties.** Expands the number of required MnDOT state rail safety inspectors to three, with a fourth position permitted to be added after July 1, 2015, following consultation. Clarifies MnDOT ability to enter into agreements with the Federal Rail Administration and inspector authority.
- 8 **Railroad company assessment; account; appropriation.** Includes Class II railroads in an assessment for the program costs of state rail safety inspectors, clarifies the assessment basis, and makes technical changes.
- 9 **[299A.55] Railroad and pipeline safety; oil and other hazardous materials.** Creates a \$2.5 million annual assessment on railroad and pipeline companies and directs use of the funds, to be administered by the Department of Public Safety for training and preparedness on oil and other hazardous materials spills.

Subd. 1. Definitions. Defines terms.

Subd. 2. Railroad and pipeline safety account. Creates a railroad and pipeline safety account and makes a statutory appropriation of available funds to the Department of Public Safety for the purposes set in subdivision 3.

Subd. 3. Allocation of railroad and pipeline safety funds. Provides for allocation of funds for training and response preparedness related to rail and pipeline transport of

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oil and other hazardous substances. Directs allocation of funds, requires consultation, identifies factors for prioritization, and limits uses of funds to training, equipment, supplies, and planning and coordination.

Subd. 4. Assessments; oil and hazardous substances. Establishes a \$2.5 million annual assessment for five years, allocated 50 percent to rail companies and 50 percent to pipeline companies. Provides for distribution of the assessment across companies in each industry. Directs funds to the railroad and pipeline safety account (being created in subdivision 2).

- 10 Reports on incident preparedness for oil and other hazardous materials transportation.** Requires two legislative reports from the Department of Public Safety on incident response preparedness in the transportation of oil and other hazardous materials. The first is a report due January 15, 2015. Specified content includes a summary of the state's emergency response framework, an assessment of costs and needs, and a response capacity inventory.

The second is an evaluation due November 1, 2017, that includes updates to the first report, analysis of effectiveness of the training and response preparedness activities established in section 9 of this article, and identification of funding levels.

- 11 Improvements study on grade crossings and rail safety for oil and other hazardous materials transportation.** Mandates a MnDOT legislative study on grade crossing risk management and improvement along rail corridors in which oil and other hazardous materials are transported. An interim update is due by August 31, 2014, and the final report is due October 31, 2014.

Article 3: Transportation Finance Provisions

Overview

This article contains various transportation finance and fiscal provisions.

- 1 Use of funds.** Clarifies permissible uses of the funds in the Stillwater lift bridge endowment account. Removes limitations on the funds, to allow trunk highway dollars transferred into the account to be used for non-trunk highway purposes.
- 2 General requirements; fees.** Establishes a special plate for women veterans, sets a \$10 fee and \$5 surcharge for the plate, and annually appropriates the surcharge funds to the Department of Veterans Affairs for grants in recognizing women serving in the military.
- 3 Design.** Sets requirements on design of the special plate, including the inscription "woman veteran."
- 4 Expiration date.** Allows special harvest season increase permits to expire at the same time as the end of the registration period for the vehicle.
- 5 Expiration date.** Allows special forest products permits to expire at the same time as the

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end of the registration period for the vehicle.

- 6 **Fees; proceeds deposited; appropriation.** Requires a proportionally reduced special permit fee when the permit expiration is set to correspond with the end of the vehicle registration period.
- 7 **Expiration date.** Allows special pulpwood vehicle permits to expire at the same time as the end of the registration period for the vehicle.
- 8 **Six-axle vehicles.** Makes a conforming clarification, to cross reference a provision on proportionally reduced special permit fees when the permit expiration is set to correspond with the end of the vehicle registration period.
- 9 **Seven-axle vehicles.** Makes a conforming clarification, to cross reference a provision on proportionally reduced special permit fees when the permit expiration is set to correspond with the end of the vehicle registration period.
- 10 **Expiration date.** Allows special permits for hauling unprocessed agricultural products to expire at the same time as the end of the registration period for the vehicle.
- 11 **Permit fee; appropriation.** Makes a conforming clarification, to cross reference a provision on proportionally reduced special permit fees when the permit expiration is set to correspond with the end of the vehicle registration period.
- 12 **Expiration date.** Allows special canola-hauling permits to expire at the same time as the end of the registration period for the vehicle.
- 13 **Transit service on election day.** Requires recipients of state assistance for fixed-route transit service in greater Minnesota to provide free transit service on the date of the 2014 state general election.
- 14 **Funding requirement.** Amends a requirement on the minimum level of MnDOT expenditures for “transportation alternatives” (which primarily includes bicycle and pedestrian facilities) from federal assistance, to set the level based on the expenditures over federal fiscal years 2009-12 instead of a rolling average.
- 15 **[219.375] Railroad yard lighting.** Creates a new section of statutes governing lighting requirements for railroad yards.

Subd. 1. General requirements. Mandates lighting in railroad yards between sunset and sunrise, including areas of train switching, inspection, assembly, and disassembly. Establishes requirements on the lighting and its upkeep, including meeting certain industry standards, minimum height, and required maintenance.

Subd. 2. Allowances for unusual conditions. Provides exceptions for maintenance, derailments, severe weather, and reasonable time periods following the listed conditions.

Subd. 3. Lighting orders; commissioner authority. Authorizes the Minnesota

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Department of Transportation (MnDOT) in some situations to give formal orders concerning lighting.

Subd. 4. Failure to correct. Creates a separate offense for failure to correct a Commissioner's order issued by MnDOT under subdivision 3.

Subd. 5. Complaints. Requires a good faith attempt to address lighting issues with the railroad company before filing a complaint.

Subd. 6. Waiver. Permits MnDOT to give a waiver from the lighting requirements if conditions prevent compliance, MnDOT inspects the area, and the waiver would conflict with other MnDOT powers and duties.

Subd. 7. Violations and penalties. Sets a penalty of \$500 per lighting violation.

Subd. 8. Exceptions; applicability. Applies the lighting requirements to Class 1 and Class 2 railroads, exempts lighting already in place by July 1, 2014, and permits lighting that exceeds the requirements being established.

- 16** **Made in Minnesota solar installations.** Mandates use of solar photovoltaic modules that are made in Minnesota in the construction or maintenance by a railroad company in which such modules are used. Provides exceptions for federal funding conditions, lack of module availability, and resulting loss of federal funds.
- 17** **[299A.017] State safety oversight.** Creates a new section of statute that (1) directs the Department of Public Safety to create an office for rail fixed guideway safety oversight, and (2) authorizes the office to implement light rail safety activities and planning that meets federal law requirements.
- 18** **Transit service on election day.** Requires the Metropolitan Council to provide free regular-route transit service on the date of the 2014 state general election. The requirement also applies to contracted service and suburban transit providers.
- 19** **[473.41] Transit shelters and stops.** Establishes requirements for design of transit shelter and maintenance of shelters and stops in the Twin Cities metropolitan area.

Subd. 1. Definitions. Defines "transit authority" to include cities, the Metropolitan Council, and opt-outs, for shelters and bus stop locations under their respective jurisdiction or via a vendor contract. Defines "transit shelter."

Subd. 2. Design. Requires transit authorities to create design specifications for transit shelters, which must include appropriate engineering standards, maximized protection from the elements and a fully enclosed shelter, warming capabilities at high-traffic locations as feasible, and accessibility for persons with disabilities and the elderly. Requires consultation with the Metropolitan Council's Transportation Accessibility Advisory Committee.

Subd. 3. Maintenance. Requires transit authorities to maintain transit shelters,

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including keeping shelters reasonably clean and removing snow and ice.

- 20** **Watercraft decontamination sites; rest areas.** Directs the departments of Natural Resources and Transportation to cooperatively undertake using rest areas as sites for watercraft decontamination, where feasible with current funding.
- 21** **Woman veteran license plates; design.** Provides for consultation and approval of the woman veteran special plates.
- 22** **Highway 14 turnback.** Provides for temporary takeover, trunk highway expenditures, and turnback of Old Highway 14 in Steele and Waseca counties in conjunction with a settlement agreement.