

File Number: H.F. 3369
Version: First engrossment

Date: March 28, 2018

Authors: Runbeck and others

Subject: Transportation policy omnibus

Analyst: Matt Burress; Deborah A. Dyson

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This is the transportation policy omnibus.

Article 1: Transportation Policy

Overview

This article contains various transportation policy and Metropolitan Council finance provisions.

Section

- 1 **Certain transit financial activity reporting.** Changes the frequency (from quarterly to twice a year) of a review of the Metropolitan Council's transportation financial records by the legislative auditor. Eliminates reporting on the Counties Transit Improvement Board. Has the provision expire in 2023. Effective the day after enactment.
- 2 **Bikeway.** Centralizes bicycle-related definitions.
- 3 **Bikeways; powers and duties; design guidelines.** Provides specific authority to MnDOT to identify, plan, design, and assist in development of bikeways. Makes technical changes, to move language within the subdivision.
- 4 **Cooperation among agencies and governments.** Directs MnDOT to cooperate with road and trail authorities in bikeway identification, planning, design, and development.

Section

- 5 **Connections with other bikeways.** Directs MnDOT to support developing links between the state bicycle route system and other bikeways.
- 6 **Funding.** Explicitly allows for funds from the active transportation program to go towards shared use paths within state bicycle routes.
- 7 **Rural agricultural business or tourist oriented business.** Broadens the business hours of operation conditions under MnDOT's "specific service sign" program, to authorize signs for a farm winery that provides a staffed food operation and is open at least four hours a day, two days a week.
- 8 **[161.126] Weigh stations.** Sets a minimum 2,500 feet on-ramp length at fixed motor vehicle weigh stations where the ramp enters into the left lane of a trunk highway. Starting November 1, 2018, prevents operations at weigh stations that do not conform to the length requirement.
- 9 **Salvage titles.** Broadens the situations when a salvage title is required to be obtained for a motor vehicle, to require a salvage title for (1) all vehicles acquired by a vehicle insurer as part of paying a damage claim, and (2) vehicles acquired by a person that are titled out of state and any of the following applies: (i) the vehicle had been acquired by an insurer as part of paying a damage claim, (ii) the vehicle has repair costs in excess of its value, or (iii) the vehicle has an out-of-state salvage title. Currently, a salvage title is only required in the above circumstances for vehicles classified as "late-model" (vehicles five years old or newer) or "high-value" (vehicles worth over \$9,000 before being damaged, or older vehicles having a gross weight of over 26,000 pounds).
- 10 **Bicycle lane.** Establishes bicycle lanes as part of the roadway (that is, the main traveled portion of a road) and not a shoulder (the contiguous portion of the road that is not traveled upon).
- 11 **Bikeway.** Broadens a definition of "bikeway" for the chapter of statutes on traffic regulations.
- 12 **Railroad train.** Amends a definition of "railroad train" in the chapter of statutes on traffic regulations, to include on-track rail equipment and other rolling stock. This has the effect (in conjunction with conforming changes) of adding rail stopping requirements for motorists when on-track rail equipment is present.
- 13 **Passing.** Requires clearance when passing a bicycle of at least three feet or half of a vehicle's width, whichever is greater, unless passing in a separate lane. (This has the effect of aligning the requirements with a 2017 provision on driving to the left side of a road when overtaking a bicyclist.) Makes technical changes, to modernize language.
- 14 **Traffic laws apply.** Clarifies that bicyclists operating in a shoulder have the same rights and duties as when operating on the road generally. Makes a technical change, to reproduce language on sidewalk and crosswalk operating authority that is being moved from another subdivision in the statute.
- 15 **Riding rules.** Permits bicyclists to proceed straight through an intersection from a right-hand turn lane, and allows the bicyclist to situate the bike anywhere in the lane (not only farthest

Section

to the right). Makes technical changes, including to remove language that is being moved to another subdivision in the statute.

- 16 Requirements.** Makes a conforming change on use of the term railroad train.
- 17 Exempt crossing.** Makes a conforming change on use of the term railroad train.
- 18 Crossing railroad tracks with certain equipment.** Makes a conforming change on use of the term railroad train.
- 19 Definitions.** Authorizes licensed physical therapists to provide a medical statement used to obtain a disability parking permit or disability plates.
- 20 Glazing material; prohibitions and exceptions.** Clarifies an exemption from window tinting limitations for the side and rear windows of a limousine, to require that the vehicle is registered and has plates under a limousine registration provision.
- 21 Suspension of driver's license.** Prohibits the Department of Public Safety from suspending a person's driver's license based on the failure to appear in court after receiving a citation for a petty misdemeanor or for driving after suspension.
- 22 Restricted license for farm work.** Modifies requirements for a restricted driver's license that can be issued for farm work, to (1) permit unaccompanied driving within 40 miles of the farmhouse, which is increased from 20 miles; and (2) clarify that the license is available for work on any type of farm, regardless of how it is legally constituted.
- 23 Commissioner shall suspend.** Prohibits the suspension of a person's driver's license following a conviction for driving after suspension or driving after revocation.
- 24 Failure to pay fine.** Forbids suspension of a person's driver's license based solely on the fact that the person failed to pay a traffic ticket, parking fine, or surcharge.
- 25 Offenses.** Restates the prohibition on suspending a person's license following a conviction for driving after suspension or revocation.
- 26 Trunk highway performance implementation plan.** Directs MnDOT to implement a performance implementation plan for the trunk highway system. Specifies plan contents and requires annual legislative reports.
- 27 Eligibility.** Allows state agencies to receive funds from the active transportation program.
- 28 Continuation of carrier rules.** Makes a conforming change.
- 29 Order.** Eliminates the authority of MnDOT to issue commissioner's orders regarding tariffs and accounting.
- 30 Amount of penalty; considerations.** Eliminates the authority of MnDOT to assess administrative penalties for motor carrier violations related to tariffs and accounting requirements. Makes technical changes.
- 31 Registration, insurance, and filing requirements.** Makes a conforming change.
- 32 Tariff maintenance and contents.** Narrows a provision on household goods mover tariffs (i.e., lists of rates and terms for specified services) to eliminate a requirement that tariffs

Section

must be filed with and reviewed by MnDOT. Identifies required content of the tariff, which is by reference to federal law.

- 33** **Tariff availability.** Sets requirements on accessing household goods mover tariffs, including maintaining tariffs at places of business and making the tariffs available for public inspection.
- 34** **Compensation fixed by schedule on file.** Makes technical and conforming changes.
- 35** **Budget.** Requires the transportation portion of the Metropolitan Council's budget to cover a fiscal year that runs from July 1 to the following June 30 (which matches the state fiscal year), with each transportation budget to be finalized by June 15. The council's budgeting in its other functional areas is unchanged from a calendar year basis. The change goes into effect for a budget cycle beginning July 1, 2019.
- 36** **Budget amendments.** Directs the council to notify the legislature when the council adopts amendments to its budget, providing a summary of changes and a copy of the amended budget.
- 37** **Accounts; accounting system; controls; audits.** Requires the council to use the state accounting system for its transportation-related financial activity. The change goes into effect for a budget cycle beginning July 1, 2019.
- 38** **Overview of revenues and expenditures; forecast.** Requires the council to develop a financial overview and forecast in conjunction with the state forecasts in November and February. Specifies financial overview content, including identification of actuals for the previous four years and anticipated financials for the forecast period. The council must review the information with the legislature within two weeks of each forecast.
- 39** **Requirement.** Makes conforming and clarifying changes.
- 40** **Transportation policy plan.** Expands the information required in the council's transportation policy plan, to include three scenarios on different levels of funding availability.
- 41** **Expenditure of funds for capital costs.** Prohibits the council from using its operating budget reserves as well as state general fund appropriations for the capital costs of transit, including capital maintenance.
- 42** **Light rail transit operating costs.** Defines operating costs of light rail transit for a provision on operating subsidy estimates as part of application for federal aid.
- 43** **Rail colocation prohibition.** Prohibits construction of light rail transit in a corridor that would involve shared use by freight rail and light rail.
- 44** **Capital costs.** Prevents state funds from being used for light rail transit capital costs.
- 45** **Temporary motor vehicle permits.** Extends the validity time period for three types of temporary motor vehicle permits, to make them valid for 180 days (instead of the 21-day, 31-day, or 60-day periods set for each kind of permit). The extended time period is only available for permits issued due to issues with the Minnesota Licensing and Registration System (MNLARS).

Section

- 46** **Retroactive license reinstatement.** Provides for reinstatement of a suspended driver's license when the suspension was due to driving after suspension or revocation, or failure to pay fine related to a parking violation (to the extent that driving privileges are lost only because of those violations).
- 47** **Congestion reduction prioritization.** Directs MnDOT to revise its highway investment plan (MnSHIP) to prioritize mobility in the Twin Cities metropolitan area. MnDOT must allocate funds for mobility that are sufficient to have an impact on congestion.
- 48** **Northstar Commuter Rail operating costs; exception.** Permits the Anoka County Regional Railroad Authority to expend funds on Northstar Commuter Rail operations.
- 49** **Nonfixed guideway transit system development plan.** Directs the Metropolitan Council to create a transit system development implementation plan for nonfixed guideways. Identifies plan contents, directs the council to evaluate peer transit systems, requires submission of a copy to the legislature, and makes the plan due by August 1, 2020.
- 50** **Revisor's instruction.** Makes a conforming change to centralize bicycle-related definitions.
- 51** **Repealer.** Repeals provisions on the administrative process for household goods mover tariffs filed with MnDOT.

Article 2: Metropolitan Council Governance

Overview

This article changes the size and structure of the Metropolitan Council to consist of 29 members, most of whom would serve staggered terms and would be local elected officials. The council would also include the commissioner of transportation and appointees representing transportation interests.

- 1** **Powers; duties; Metropolitan Council appointments oversight.** Conforming amendment.
Effective August 1, 2018
- 2** **Group II salary limits.** Conforming amendment. Strikes the council chair from the salary limits. The chair's salary is specified in section 3 of the bill.
Effective January 1, 2019.
- 3** **Metropolitan Council.**
- Subd. 1. Creation; membership.** Increases the council membership from 17 to 29 members. Specifies membership and states that serving on the council is compatible with serving as a local elected official.
- Subd. 2. Terms.** Provides for staggered, four-year terms of council members appointed from council districts by the municipal committees, members appointed by the counties, and members appointed by the mayors of Minneapolis and St. Paul. Provides that a council seat is vacant if the local elected official ceases to be a local

Section

elected official. Members appointed by the commissioner of transportation serve at the pleasure of the commissioner.

Subd. 2b. Municipal committee in each council district. Requires each metropolitan area city to appoint a member to the municipal committee for the council district, which then appoints a local elected official to the council. Effective the day after enactment.

Subd. 3. Compensation. Sets compensation of council members other than the chair and the commissioner of transportation (or the commissioner's designee) at \$20,000 plus expenses (same as council members' compensation currently). Sets the chair's compensation at \$40,000 per year plus expenses. Provides that the compensation is in addition to compensation paid as a local elected official.

Strikes the provisions relating to the current appointment process.

Subd. 3a. Redistricting. Conforming amendment.

Subd. 3e. District boundaries. No change.

Subd. 4. Chair; appointment, officers, selection; duties and compensation. Provides for the council chair to be selected by and from among the council members, and to serve at the council's pleasure. Strikes senate confirmation.

Subd. 8. General counsel. No change.

Subd. 9. Authority to vote; quorum; votes required for action. Provides that the local elected officials may vote on all matters before the council. Provides that the commissioner of transportation and the members appointed by the commissioner may vote only on metropolitan planning organization matters. A quorum is a majority of the members permitted to vote on a matter and if a quorum is present, the council may act on a majority vote of the members present except that a vote on a levy or on a system plan or plan amendment requires 60 percent.

Effective January 1, 2019, except that subdivision 1, paragraph (c), which limits the jurisdiction of the council to the seven counties, and subdivision 2b, which establishes the municipal committees, are effective the day after enactment.

- 4 **Development guide; transportation.** Conforming amendment. Effective January 1, 2019.
- 5 **Transportation planning.** Eliminates the Transportation Advisory Board (TAB). Effective January 1, 2019.
- 6 **Repealer.** Repeals the 1994 law setting council member and chair compensation. Effective January 1, 2019.