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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1162

03/04/2013 Authored by Hornstein and Beard

The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to transportation; highways; amending MnPASS authority and revenue
1.3 allocation; amending Minnesota Statutes 2012, sections 160.845; 160.93,
1.4 subdivisions 1, 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 160.845, is amended to read:

1.7 160.845 RESTRICTIONS ON TOLL FACILITY.

1.8 (a) A road authority, including the governing body of a city, or a private operator
1.9 may not convert, transfer, or utilize any portion of a highway to impose tolls or for use
1.10 as a toll facility. A road authority, including the governing body of a city, or a private
1.11 operator may not limit operation of a commercial motor vehicle, as defined in section
1.12 169.011, subdivision 16, to a toll facility or otherwise require that a commercial motor
1.13 vehicle use the tolled portion of a highway.

1.14 (b) This section does not apply to:

1.15 (1) any toll facility or high-occupancy vehicle lane constructed, converted, or
1.16 established before September 1, 2007;

1.17 (2) any additional lane, including a priced dynamic shoulder lane, high-occupancy
1.18 vehicle lane, or high-occupancy toll lane, added to a highway after September 1, 2007, and;

1.19 (3) any other general purpose lane that adds capacity;

1.20 (4) any lane adding capacity that is operated temporarily as a general purpose or
1.21 auxiliary lane until the commissioner converts the lane to a high-occupancy toll lane; and

1.22 (5) any general purpose or auxiliary lane that the commissioner converts to a
1.23 high-occupancy toll lane, provided that the commissioner may convert a general purpose
1.24 lane under this clause only after (i) adding capacity in the same segment of highway, and

2.1 (ii) designating that segment of highway as a MnPASS corridor under section 160.93 in
 2.2 the department's metro district highway investment plan.

2.3 Sec. 2. Minnesota Statutes 2012, section 160.93, subdivision 1, is amended to read:

2.4 Subdivision 1. **Fees authorized.** To improve efficiency and provide more options
 2.5 to individuals traveling in a trunk highway corridor, the commissioner of transportation
 2.6 may charge user fees to owners or operators of single-occupant vehicles using dynamic
 2.7 shoulder lanes as designated by the commissioner ~~and~~, any designated high-occupancy
 2.8 vehicle lanes, and any other high-occupancy toll lanes. The fees may be collected using
 2.9 electronic or other toll-collection methods and may vary in amount with the time of day
 2.10 and level of traffic congestion within the corridor. The commissioner shall consult with
 2.11 the Metropolitan Council and obtain necessary federal authorizations before implementing
 2.12 user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this
 2.13 section are not subject to section 16A.1283.

2.14 Sec. 3. Minnesota Statutes 2012, section 160.93, subdivision 2, is amended to read:

2.15 Subd. 2. **Deposit of revenues; ~~appropriation~~ appropriations.** (a) Except as
 2.16 provided in subdivision 2a, money collected from fees authorized under subdivision 1
 2.17 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue
 2.18 fund. A separate account must be established for each trunk highway corridor in which the
 2.19 MnPASS system is established. Money in ~~the~~ each account is annually appropriated to the
 2.20 commissioner as provided in this subdivision.

2.21 (b) From ~~this~~ each appropriation the commissioner shall first ~~repay the trunk~~
 2.22 ~~highway fund and any other fund source for money spent to install, equip, or modify the~~
 2.23 ~~corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing~~
 2.24 ~~and administering, operating, and maintaining the fee collection system for that corridor,~~
 2.25 including payments for tolling and related equipment. The commissioner may allocate
 2.26 payments for shared administrative costs from each account established under this section.

2.27 (c) The commissioner shall spend remaining money ~~in the account~~ from each
 2.28 appropriation as follows:

2.29 (1) in the MnPASS corridor for Route No. 10, signed as Interstate Highway 394 on
 2.30 the effective date of this section:

2.31 (i) one-half must be spent for transportation capital improvements within the
 2.32 corridor; and

3.1 ~~(2)~~ (ii) one-half must be transferred to the Metropolitan Council for expansion
3.2 and improvement of bus transit services within the corridor beyond the level of service
3.3 provided on the date of implementation of subdivision 1; and

3.4 (2) in any other MnPASS corridor established under this section, except as provided
3.5 in subdivision 2a, the funds must be spent for transportation capital improvements within
3.6 that corridor.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.