

This Document can be made available
in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **765**

02/04/2021

Authored by Koznick

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

1.1 A bill for an act
1.2 relating to transportation; requiring MnPASS fees to be based on traffic congestion
1.3 thresholds; repealing MnPASS lane rulemaking exemption; requiring Department
1.4 of Transportation to issue a request for information relating to the operation of
1.5 MnPASS lanes; requiring a report; amending Minnesota Statutes 2020, section
1.6 160.93, subdivisions 1, 2, 4; repealing Minnesota Statutes 2020, section 160.93,
1.7 subdivisions 2a, 3.

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

1.9 Section 1. Minnesota Statutes 2020, section 160.93, subdivision 1, is amended to read:

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

1.19 (b) Fees collected pursuant to this section must vary in amount with the time of day and
1.20 level of traffic congestion within the corridor. The commissioner must collect fees based
1.21 on traffic congestion levels. The commissioner must adopt a policy that specifies the traffic
1.22 congestion threshold that will initiate the collection of fees. The policy must also identify
1.23 what fee will be collected for each specified traffic congestion threshold. The commissioner
1.24 must not collect fees based solely on the time of day. The commissioner must not collect

fees if the minimum traffic congestion threshold is not met. The commissioner must post the policy adopted pursuant to this section on the department's website. The commissioner must ensure that signage is posted in dynamic shoulder lanes and high-occupancy vehicle lanes to indicate in real time when fees are being collected and the amount of the fee.

(c) The commissioner must establish fees in an amount that will, at a minimum, pay for all of the costs described in subdivision 2, paragraph (b), clauses 1 and 2.

Sec. 2. Minnesota Statutes 2020, section 160.93, subdivision 2, is amended to read:

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

(b) From this appropriation the commissioner shall ~~first~~:

(1) first, repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, ~~and then shall;~~

(2) second, pay all the costs of implementing and administering the fee collection system for that corridor;

~~(c) The commissioner shall spend remaining money in the account as follows:~~

~~(1) one-half must be spent~~ (3) third, pay for transportation capital improvements within the corridor; and

(4) fourth, pay for maintenance of the corridor; and

~~(2) one-half must be transferred~~ (5) fifth, transfer any funds not spent according to clauses (1) to (4) to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.

Sec. 3. Minnesota Statutes 2020, section 160.93, subdivision 4, is amended to read:

Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance with the requirements of ~~the commissioner~~ this section. A person who violates this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4,

and 169.891 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor traffic offense.

Sec. 4. **REQUEST FOR INFORMATION FOR OPERATION OF MNPASS LANES.**

(a) No later than July 1, 2021, the commissioner of transportation must issue a request for information as described in this section. The request for information must obtain advice from qualified vendors regarding the feasibility of using a private entity to operate and administer MnPASS lanes.

(b) The request for information must be designed to obtain information that includes:

(1) feasibility, costs, and a preliminary estimated timeline or schedule for the private entity to assume responsibility for operating and administering MnPASS lanes; and

(2) capacity and experience of a potential entity.

(c) The request for information under this section must be published in the State Register and on the Department of Administration's website at least 14 days prior to closing. The request must otherwise be administered according to the requirements of Minnesota Statutes, chapter 16C, to the extent applicable, except that a vendor's submission does not constitute a response to a solicitation, as defined in Minnesota Statutes, section 16C.02, subdivision 14. The commissioner is prohibited from using a vendor submission in response to a request for information under this section to enter a contract unless the terms of the submission are later included in a vendor's response to a formal solicitation, as defined in Minnesota Statutes, section 16C.02, subdivision 7.

(d) No later than September 1, 2021, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance. The report must summarize the responses and information received from qualified entities under this section.

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

Sec. 5. **REPEALER.**

Minnesota Statutes 2020, section 160.93, subdivisions 2a and 3, are repealed.

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

Sec. 6. **EFFECTIVE DATE.**

Except where otherwise provided, this act is effective August 1, 2021.

160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.

Subd. 2a. **I-35W high-occupancy vehicle and dynamic shoulder lane account.** (a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to \$1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of \$1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

Subd. 3. **Rules exemption.** With respect to this section, the commissioner is exempt from statutory rulemaking requirements, including section 14.386, and from sections 160.84 to 160.92 and 161.162 to 161.167.