

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 761

02/21/2013 Authored by Sawatzky
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; modifying the sign franchise program; making
1.3 changes to the trunk highway emergency relief account; modifying requirements
1.4 for variances from rules and engineering standards for the county state-aid
1.5 highway and municipal state-aid street systems; amending a definition in the
1.6 formula for apportionment to cities; modifying the public transit participation
1.7 program; updating railroad crossing warning sign requirements; making
1.8 conforming changes to medical waiver requirements for intrastate motor carrier
1.9 drivers; amending Minnesota Statutes 2012, sections 160.80, subdivisions
1.10 1, 1a, 2; 161.04, subdivision 5; 162.02, subdivision 3a; 162.09, subdivision
1.11 3a; 162.13, subdivision 2; 174.24, subdivision 5a; 219.17; 219.18; 219.20;
1.12 221.0314, subdivisions 2, 3a; repealing Minnesota Statutes 2012, section 174.24,
1.13 subdivision 5; Minnesota Rules, part 8820.3300, subpart 2.

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

1.15 Section 1. Minnesota Statutes 2012, section 160.80, subdivision 1, is amended to read:

1.16 Subdivision 1. **Commissioner may establish program.** (a) The commissioner of
1.17 transportation may establish a sign franchise program for the purpose of providing on the
1.18 right-of-way of interstate and controlled-access trunk highways specific information on
1.19 gas, food, camping, lodging, attractions, and 24-hour pharmacies for the benefit of the
1.20 motoring public.

1.21 (b) The sign franchise program must include urban interstate highways.

1.22 Sec. 2. Minnesota Statutes 2012, section 160.80, subdivision 1a, is amended to read:

1.23 Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business
1.24 panel on a logo sign panel, a business establishment must:

1.25 (1) be open for business;

1.26 (2) have a sign on site that both identifies the business and is visible to motorists;

2.1 (3) be open to everyone, regardless of race, religion, color, age, sex, national origin,
2.2 creed, marital status, sexual orientation, or disability; and

2.3 (4) ~~not impose a cover charge or otherwise require customers to purchase additional~~
2.4 ~~products or services; and~~

2.5 ~~(5)~~ meet the appropriate criteria in paragraphs (b) to ~~(f)~~ (k).

2.6 (b) Gas businesses must provide vehicle services including ~~fuel~~ gas or alternative
2.7 fuels and oil; restroom facilities and drinking water; continuous, staffed operation at least
2.8 12 hours a day, seven days a week; and public access to a telephone.

2.9 (c) Food businesses must serve at least two meals a day during normal mealtimes
2.10 of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at
2.11 ~~least ten hours a day, seven days a~~ six days per week except holidays as defined in section
2.12 645.44, subdivision 5, and except as provided for seasonal food service businesses;
2.13 provide seating capacity for at least 20 people; provide restroom facilities; provide public
2.14 access to a telephone; and possess any required state or local licensing or approval.

2.15 Seasonal food service businesses must provide a continuous, staffed food service operation
2.16 ~~at least ten hours a day serving at least two meals per day six days per week, seven days a~~
2.17 ~~week;~~ during their months of operation.

2.18 (d) Lodging businesses must include sleeping accommodations, provide public
2.19 access to a telephone, provide restroom facilities, and possess any required state or local
2.20 licensing or approval.

2.21 (e) Camping businesses must include sites for camping, include parking
2.22 accommodations for each campsite, provide sanitary facilities and drinking water, and
2.23 possess any required state or local licensing or approval.

2.24 (f) 24-hour pharmacy businesses must be continuously operated 24 hours per day,
2.25 seven days per week, and must have a state-licensed pharmacist present and on duty at
2.26 all times.

2.27 (g) Attractions businesses must have regional significance with the primary purpose
2.28 of providing amusement, historical, cultural, or leisure activities to the public; provide
2.29 restroom facilities and drinking water; possess any required state or local licensing
2.30 approval; and provide adequate bus and vehicle parking accommodations for normal
2.31 attendance.

2.32 ~~(g)~~ (h) Seasonal businesses must indicate to motorists when they are open for business
2.33 by ~~either~~ putting the ~~full~~ months of operation directly on the business panel ~~or by having a~~
2.34 ~~"closed" plaque applied to the business panel when the business is closed for the season.~~

2.35 ~~(h)~~ (i) The maximum distance that an eligible business in ~~Anoka, Carver, Dakota,~~
2.36 ~~Hennepin, Ramsey, Scott, or Washington County~~ an urban area can be located from the

3.1 interchange is: for gas, food, lodging, attraction, and 24-hour pharmacy businesses, ~~one~~
 3.2 ~~mile~~ three miles; for ~~food businesses, two miles; for lodging businesses and 24-hour~~
 3.3 ~~pharmacies, three miles;~~ and for camping businesses, ten miles.

3.4 ~~(i)~~ (j) The maximum distance that an eligible business in ~~any other county~~ a rural
 3.5 area can be located from the interchange shall not exceed 15 miles in either direction,
 3.6 except the maximum distance that an eligible 24-hour pharmacy business can be located
 3.7 from the interchange shall not exceed three miles in either direction.

3.8 ~~(j)~~ Logo sign panels must be erected so that motorists approaching an interchange
 3.9 view the panels in the following order: ~~24-hour pharmacy, camping, lodging, food, gas.~~

3.10 ~~(k)~~ If there is insufficient space on a logo sign panel to display all eligible businesses
 3.11 for a specific type of service, the businesses closest to the interchange have priority over
 3.12 businesses farther away from the interchange.

3.13 (k) If there is available space on a logo sign panel and no application has been
 3.14 received by the franchise from a fully eligible business, a substantially eligible business
 3.15 may be allowed the space.

3.16 Sec. 3. Minnesota Statutes 2012, section 160.80, subdivision 2, is amended to read:

3.17 Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant
 3.18 one or more franchises to qualified persons to erect and maintain, on the right-of-way of
 3.19 interstate and controlled-access trunk highways, signs informing the motoring public of
 3.20 gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies. A franchisee
 3.21 shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide
 3.22 gas, food, lodging, camping facilities, attractions, and 24-hour pharmacies for the general
 3.23 public, and lease advertising space on the signs to operators of these facilities.

3.24 Sec. 4. Minnesota Statutes 2012, section 161.04, subdivision 5, is amended to read:

3.25 Subd. 5. **Trunk highway emergency relief account.** (a) The trunk highway
 3.26 emergency relief account is created in the trunk highway fund. Money in the account is
 3.27 appropriated to the commissioner to be used to fund relief activities related to an emergency,
 3.28 as defined in section 161.32, subdivision 3, or under section 12A.16, subdivision 1.

3.29 (b) Reimbursements by the Federal Highway Administration for emergency relief
 3.30 payments made from the trunk highway emergency relief account must be credited to the
 3.31 account. ~~Interest accrued on the account must be credited to the account.~~ Notwithstanding
 3.32 section 16A.28, money in the account is available until spent. If the balance of the account
 3.33 at the end of a fiscal year is greater than \$10,000,000, the amount above \$10,000,000
 3.34 must be canceled to the trunk highway fund.

4.1 (c) By September 1, 2012, and in every subsequent even-numbered year by
 4.2 September 1, the commissioner shall submit a report to the chairs and ranking minority
 4.3 members of the senate and house of representatives committees having jurisdiction over
 4.4 transportation policy and finance. The report must include the balance, as well as details
 4.5 of payments made from and deposits made to the trunk highway emergency relief account
 4.6 since the last report.

4.7 Sec. 5. Minnesota Statutes 2012, section 162.02, subdivision 3a, is amended to read:

4.8 Subd. 3a. **Variances from rules and engineering standards.** (a) The commissioner
 4.9 may grant variances from the rules and from the engineering standards developed pursuant
 4.10 to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county
 4.11 state-aid highway is located or is proposed to be located may submit a written request to the
 4.12 commissioner for a variance for that highway. The commissioner shall comply with section
 4.13 174.75, subdivision 5, in evaluating a variance request related to a complete streets project.

4.14 ~~(b) The commissioner shall publish notice of the request in the State Register and~~
 4.15 ~~give notice to all persons known to the commissioner to have an interest in the matter.~~
 4.16 The commissioner may grant or deny the variance within 30 days of ~~providing notice of~~
 4.17 receiving the variance request. ~~If a written objection to the request is received within~~
 4.18 ~~seven days of providing notice, the variance shall be granted or denied only after a~~
 4.19 ~~contested case hearing has been held on the request. If no timely objection is received and~~
 4.20 the variance is denied ~~without hearing~~, the political subdivision may request, within 30
 4.21 days of receiving notice of denial, and shall be granted a contested case hearing.

4.22 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of
 4.23 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

4.24 Sec. 6. Minnesota Statutes 2012, section 162.09, subdivision 3a, is amended to read:

4.25 Subd. 3a. **Variances from rules and engineering standards.** (a) The commissioner
 4.26 may grant variances from the rules and from the engineering standards developed
 4.27 pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal
 4.28 state-aid street is located or is proposed to be located may submit a written request to the
 4.29 commissioner for a variance for that street. The commissioner shall comply with section
 4.30 174.75, subdivision 5, in evaluating a variance request related to a complete streets project.

4.31 ~~(b) The commissioner shall publish notice of the request in the State Register and~~
 4.32 ~~give notice to all persons known to the commissioner to have an interest in the matter.~~
 4.33 The commissioner may grant or deny the variance within 30 days of ~~providing notice of~~
 4.34 receiving the variance request. ~~If a written objection to the request is received within~~

5.1 ~~seven days of providing notice, the variance shall be granted or denied only after a~~
 5.2 ~~contested case hearing has been held on the request. If no timely objection is received and~~
 5.3 ~~the variance is denied without hearing, the political subdivision may request, within 30~~
 5.4 ~~days of receiving notice of denial, and shall be granted a contested case hearing.~~

5.5 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of
 5.6 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

5.7 Sec. 7. Minnesota Statutes 2012, section 162.13, subdivision 2, is amended to read:

5.8 Subd. 2. **Money needs defined.** For the purpose of this section money needs of each
 5.9 city having a population of 5,000 or more are defined as the estimated cost of constructing
 5.10 and maintaining over a period of 25 years the municipal state-aid street system in such
 5.11 city. Right-of-way costs and drainage shall be included in money needs. Lighting costs
 5.12 and other costs incidental to construction and maintenance, or a specified portion of such
 5.13 costs, as set forth in the commissioner's rules, may be included in determining money
 5.14 needs. ~~When a county locates a county state-aid highway over a portion of a street in any~~
 5.15 ~~such city and the remaining portion is designated as a municipal state-aid street only the~~
 5.16 ~~construction and maintenance costs of the portion of the street other than the portions taken~~
 5.17 ~~over by the county shall be included in the money needs of the city.~~ To avoid variances
 5.18 in costs due to differences in construction and maintenance policy, construction and
 5.19 maintenance costs shall be estimated on the basis of the engineering standards developed
 5.20 cooperatively by the commissioner and the engineers, or a committee thereof, of the cities.

5.21 Sec. 8. Minnesota Statutes 2012, section 174.24, subdivision 5a, is amended to read:

5.22 Subd. 5a. **Method of payment, ~~nonoperating~~ assistance.** Payments for planning
 5.23 and engineering design, eligible capital assistance, operating assistance, and other
 5.24 eligible assistance for public transit services furthering the purposes of section 174.21;
 5.25 ~~excluding operating assistance~~, shall be made in an appropriate manner as determined by
 5.26 the commissioner.

5.27 Sec. 9. Minnesota Statutes 2012, section 219.17, is amended to read:

5.28 **219.17 UNIFORM WARNING SIGNS.**

5.29 The commissioner by rule shall require that uniform warning signs be placed at
 5.30 grade crossings. There ~~must be at least three~~ are four distinct types of uniform warning
 5.31 signs: a ~~home crossing~~ crossbuck sign, for use in the immediate vicinity of the crossing;
 5.32 an ~~approach crossing~~ advance warning sign, to indicate the approach to a grade crossing; a
 5.33 yield sign with the word "yield" plainly appearing on it; and, when deemed necessary and

6.1 instead of a yield sign, a stop sign with the word "stop" plainly appearing on it, to indicate
 6.2 that persons on the highway approaching the crossing, whether in vehicles or otherwise,
 6.3 must come to a stop before proceeding over the grade crossing.

6.4 Sec. 10. Minnesota Statutes 2012, section 219.18, is amended to read:

6.5 **219.18 RAILROAD TO ERECT SIGN.**

6.6 At each grade crossing established after April 23, 1925 and where and when crossing
 6.7 signs existing as of April 24, 1925 are replaced, the railway company operating the railroad
 6.8 at that crossing shall erect and maintain one or more uniform ~~home crossing~~ crossbuck
 6.9 signs. The signs must be on each side of the railroad tracks and within ~~75~~ 50 feet from the
 6.10 nearest rail, or at a distance greater than 50 feet as determined by the commissioner.

6.11 Sec. 11. Minnesota Statutes 2012, section 219.20, is amended to read:

6.12 **219.20 STOP SIGN; YIELD SIGN.**

6.13 Subdivision 1. **When installation required; procedure.** At each grade crossing not
 6.14 equipped with flashing lights or flashing lights and gates where, because of the dangers
 6.15 attendant upon its use, the reasonable protection of life and property makes it necessary
 6.16 for persons approaching the crossing to stop or yield before crossing the railroad tracks,
 6.17 stop signs or yield signs must be installed. When the government entity responsible for a
 6.18 road that crosses a railroad track deems it necessary to install stop signs or yield signs
 6.19 at that crossing, it shall petition the commissioner to order the installation of the stop
 6.20 signs or yield signs. The commissioner shall respond to the petition by investigating
 6.21 the conditions at the crossing to determine whether stop signs or yield signs should be
 6.22 installed at the crossing. On determining, after an investigation following a petition from
 6.23 a governmental agency or subdivision or on the commissioner's own motion, that stop
 6.24 signs or yield signs should be installed at a crossing, the commissioner shall designate
 6.25 the crossing as a stop crossing or yield crossing and shall notify the railway company
 6.26 operating the railroad at the crossing of this designation. Within 30 days after notification,
 6.27 the railway company shall erect the uniform stop crossing signs or yield crossing signs in
 6.28 accordance with the commissioner's order.

6.29 Subd. 2. **Stopping distances.** When a stop sign or a yield sign has been erected at
 6.30 a railroad crossing, the driver of a vehicle approaching a railroad crossing shall stop or
 6.31 yield within 50 feet, but not less than ten feet, from the nearest track of the crossing and
 6.32 shall proceed only upon exercising due care.

6.33 Sec. 12. Minnesota Statutes 2012, section 221.0314, subdivision 2, is amended to read:

7.1 Subd. 2. **Qualification of driver.** Code of Federal Regulations, title 49, part
 7.2 391 and appendixes D and E, are incorporated by reference except for sections 391.2;
 7.3 391.11, paragraph (b)(1); 391.47; 391.49; 391.62; 391.64; 391.67; 391.68; and 391.69. In
 7.4 addition, cross-references to sections or paragraphs not incorporated in this subdivision
 7.5 are not incorporated by reference. For medical examinations conducted on and after May
 7.6 21, 2014, the term "medical examiner" as used in this section and in the rules promulgated
 7.7 under this section means an individual certified by the Federal Motor Carrier Safety
 7.8 Administration and listed on the National Registry of Certified Medical Examiners.

7.9 Sec. 13. Minnesota Statutes 2012, section 221.0314, subdivision 3a, is amended to read:

7.10 Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant
 7.11 a waiver to a person who is not physically qualified to drive under Code of Federal
 7.12 Regulations, title 49, section 391.41, ~~paragraph (b)(3) to (b)(13)~~ paragraph (b)(3), (b)(10),
 7.13 or (b)(11). A waiver granted under this subdivision applies to intrastate transportation only.

7.14 (b) A person who wishes to obtain a waiver under this subdivision must give the
 7.15 commissioner the following information:

7.16 (1) the applicant's name, address, and telephone number;

7.17 (2) the name, address, and telephone number of an employer coapplicant, if any;

7.18 (3) a description of the applicant's experience in driving the type of vehicle to be
 7.19 operated under the waiver;

7.20 (4) a description of the type of driving to be done under the waiver;

7.21 (5) a description of any modifications to the vehicle the applicant intends to drive
 7.22 under the waiver that are designed to accommodate the applicant's medical condition or
 7.23 disability;

7.24 (6) whether the applicant has been granted another waiver under this subdivision;

7.25 (7) a copy of the applicant's current driver's license;

7.26 (8) a copy of a medical examiner's report and medical examiner's certificate showing
 7.27 that the applicant is medically unqualified to drive unless a waiver is granted;

7.28 (9) a statement from the applicant's treating physician that includes:

7.29 (i) the extent to which the physician is familiar with the applicant's medical history;

7.30 (ii) a description of the applicant's medical condition for which a waiver is necessary;

7.31 (iii) assurance that the applicant has the ability and willingness to follow any course
 7.32 of treatment prescribed by the physician, including the ability to self-monitor or manage
 7.33 the medical condition; and

7.34 (iv) the physician's professional opinion that the applicant's condition will not
 7.35 adversely affect the applicant's ability to operate a commercial motor vehicle safely; and

8.1 (10) any other information considered necessary by the commissioner including
 8.2 requiring a physical examination or medical report from a physician who specializes
 8.3 in a particular field of medical practice.

8.4 (c) In granting a waiver under this subdivision, the commissioner may impose
 8.5 conditions the commissioner considers necessary to ensure that an applicant is able to
 8.6 operate a motor vehicle safely and that the safety of the general public is protected.

8.7 (d) A person who is granted a waiver under this subdivision must:

8.8 (1) at intervals specified in the waiver, give the commissioner periodic reports from
 8.9 the person's treating physician, or a medical specialist if the commissioner so requires in
 8.10 the waiver, that contain the information described in paragraph (b), clause (9), together
 8.11 with a description of any episode that involved the person's loss of consciousness or loss
 8.12 of ability to operate a motor vehicle safely; and

8.13 (2) immediately report the person's involvement in an accident for which a report is
 8.14 required under section 169.09, subdivision 7.

8.15 ~~(e) The commissioner shall deny an application if, during the three years preceding~~
 8.16 ~~the application:~~

8.17 ~~(1) the applicant's driver's license has been suspended under section 171.18,~~
 8.18 ~~paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked~~
 8.19 ~~under section 171.17, 171.172, or 171.174;~~

8.20 ~~(2) the applicant has been convicted of a violation under section 171.24; or~~

8.21 ~~(3) the applicant has been convicted of a disqualifying offense, as defined in Code~~
 8.22 ~~of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated~~
 8.23 ~~by reference.~~

8.24 ~~(f)~~ (e) The commissioner may deny an application or may immediately revoke
 8.25 a waiver granted under this subdivision. Notice of the commissioner's reasons for
 8.26 denying an application or for revoking a waiver must be in writing and must be mailed
 8.27 to the applicant's or waiver holder's last known address by certified mail, return receipt
 8.28 requested. A person whose application is denied or whose waiver is revoked is entitled to
 8.29 a hearing under chapter 14.

8.30 ~~(g)~~ (f) A waiver granted under this subdivision expires on the date of expiration
 8.31 shown on the medical examiner's certificate described in paragraph (b), clause (8).

8.32 **Sec. 14 REPEALER.**

8.33 (a) Minnesota Statutes 2012, section 174.24, subdivision 5, is repealed.

8.34 (b) Minnesota Rules, part 8820.3300, subpart 2, is repealed.

174.24 PUBLIC TRANSIT PARTICIPATION PROGRAM.

Subd. 5. **Method of payment, operating assistance.** Payments for operating assistance under this section from state sources of funds must be made in the following manner:

(a) For payments made from the general fund:

- (1) 50 percent of the total contract amount in or before the first month of operation;
- (2) 40 percent of the total contract amount in or before the seventh month of operation;
- (3) 9 percent of the total contract amount in or before the 12th month of operation; and
- (4) 1 percent of the total contract amount after the final audit.

(b) For payments made from the greater Minnesota transit account:

- (1) 50 percent of the total contract amount in or before the seventh month of operation; and
- (2) 50 percent of the total contract amount in or before the 11th month of operation.

APPENDIX
Repealed Minnesota Rule: 13-0640

8820.3300 VARIANCE.

Subp. 2. **Notice of request.** The commissioner shall publish notice of variance request in the State Register and shall request comments from interested parties be directed to the commissioner within seven calendar days from date of publication.