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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 677

01/23/2023 Authored by Elkins, Hornstein, Tabke, Kraft, Lillie and others
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; governing various finance and policy provisions related
1.3 to active transportation; appropriating money; amending Minnesota Statutes 2022,
1.4 sections 123B.90, subdivision 2; 160.262, subdivision 3; 160.266, subdivisions
1.5 1b, as amended, 6, by adding a subdivision; 169.14, subdivision 5a, by adding a
1.6 subdivision; 169.18, subdivision 3; 169.222, subdivision 4, by adding a subdivision;
1.7 174.38, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters
1.8 123B; 174.

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

1.10 ARTICLE 1
1.11 BILL DOOLEY BICYCLE SAFETY ACT

1.12 Section 1. TITLE.

1.13 This act may be cited as the "Bill Dooley Bicycle Safety Act."

1.14 ARTICLE 2
1.15 SCHOOL-RELATED ACTIVE TRANSPORTATION

1.16 Section 1. Minnesota Statutes 2022, section 123B.90, subdivision 2, is amended to read:

1.17 Subd. 2. Student training. (a) Each district must provide public school pupils enrolled
1.18 in kindergarten through grade 10 with age-appropriate school bus safety training, as described
1.19 in this section, of the following concepts:

- 1.20 (1) transportation by school bus is a privilege and not a right;
1.21 (2) district policies for student conduct and school bus safety;
1.22 (3) appropriate conduct while on the school bus;

2.1 (4) the danger zones surrounding a school bus;

2.2 (5) procedures for safely boarding and leaving a school bus;

2.3 (6) procedures for safe street or road crossing; and

2.4 (7) school bus evacuation.

2.5 (b) Each nonpublic school located within the district must provide all nonpublic school
2.6 pupils enrolled in kindergarten through grade 10 who are transported by school bus at public
2.7 expense and attend school within the district's boundaries with training as required in
2.8 paragraph (a).

2.9 (c) Students enrolled in kindergarten through grade 6 who are transported by school bus
2.10 and are enrolled during the first or second week of school must receive the school bus safety
2.11 training competencies by the end of the third week of school. Students enrolled in grades
2.12 7 through 10 who are transported by school bus and are enrolled during the first or second
2.13 week of school and have not previously received school bus safety training must receive
2.14 the training or receive bus safety instructional materials by the end of the sixth week of
2.15 school. Students taking driver's training instructional classes must receive training in the
2.16 laws and proper procedures when operating a motor vehicle in the vicinity of a school bus
2.17 as required by section 169.446, subdivisions 2 and 3. Students enrolled in kindergarten
2.18 through grade 10 who enroll in a school after the second week of school and are transported
2.19 by school bus and have not received training in their previous school district shall undergo
2.20 school bus safety training or receive bus safety instructional materials within four weeks
2.21 of the first day of attendance. Upon request of the superintendent of schools, the school
2.22 transportation safety director in each district must certify to the superintendent that all
2.23 students transported by school bus within the district have received the school bus safety
2.24 training according to this section. Upon request of the superintendent of the school district
2.25 where the nonpublic school is located, the principal or other chief administrator of each
2.26 nonpublic school must certify to the school transportation safety director of the district in
2.27 which the school is located that the school's students transported by school bus at public
2.28 expense have received training according to this section.

2.29 (d) A district and a nonpublic school with students transported by school bus at public
2.30 expense may provide kindergarten pupils with bus safety training before the first day of
2.31 school.

2.32 ~~(e) A district and a nonpublic school with students transported by school bus at public~~
2.33 ~~expense may also provide student safety education for bicycling and pedestrian safety, for~~
2.34 ~~students enrolled in kindergarten through grade 5.~~

3.1 ~~(f)~~ (e) A district and a nonpublic school with students transported by school bus at public
 3.2 expense must make reasonable accommodations for the school bus safety training of pupils
 3.3 known to speak English as a second language and pupils with disabilities.

3.4 ~~(g)~~ (f) The district and a nonpublic school with students transported by school bus at
 3.5 public expense must provide students enrolled in kindergarten through grade 3 school bus
 3.6 safety training twice during the school year.

3.7 ~~(h)~~ (g) A district and a nonpublic school with students transported by school bus at public
 3.8 expense must conduct a school bus evacuation drill at least once during the school year.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.10 Sec. 2. **[123B.935] ACTIVE TRANSPORTATION SAFETY TRAINING.**

3.11 Subdivision 1. **Training required.** (a) Each district must provide public school pupils
 3.12 enrolled in kindergarten through grade 3 with age-appropriate active transportation safety
 3.13 training. At a minimum, the training must include pedestrian safety, including crossing
 3.14 roads.

3.15 (b) Each district must provide public school pupils enrolled in grades 4 through 8 with
 3.16 age-appropriate active transportation safety training. At a minimum, the training must
 3.17 include:

3.18 (1) pedestrian safety, including crossing roads safely using the searching left, right, left
 3.19 for vehicles in traffic technique; and

3.20 (2) bicycle safety, including relevant traffic laws, use and proper fit of protective
 3.21 headgear, bicycle parts and safety features, and safe biking techniques.

3.22 (c) A nonpublic school may provide nonpublic school pupils enrolled in kindergarten
 3.23 through grade 8 with training as specified in paragraphs (a) and (b).

3.24 Subd. 2. **Deadlines.** (a) Students under subdivision 1, paragraph (a), who are enrolled
 3.25 during the first or second week of school and have not previously received active
 3.26 transportation safety training specified in that paragraph must receive the safety training by
 3.27 the end of the third week of school.

3.28 (b) Students under subdivision 1, paragraph (b), who are enrolled during the first or
 3.29 second week of school and have not previously received active transportation safety training
 3.30 specified in that paragraph must receive the safety training by the end of the sixth week of
 3.31 school.

4.1 (c) Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the
 4.2 second week of school and have not received the appropriate active transportation safety
 4.3 training in their previous school district must undergo the training or receive active
 4.4 transportation safety instructional materials within four weeks of the first day of attendance.

4.5 (d) A district and a nonpublic school may provide kindergarten pupils with active
 4.6 transportation safety training before the first day of school.

4.7 Subd. 3. **Instruction.** (a) A district may provide active transportation safety training
 4.8 through distance learning.

4.9 (b) A district and a nonpublic school must make reasonable accommodations for the
 4.10 active transportation safety training of pupils known to speak English as a second language
 4.11 and pupils with disabilities.

4.12 Subd. 4. **Model program.** The commissioner of transportation must maintain a
 4.13 comprehensive collection of active transportation safety training materials that meets the
 4.14 requirements under this section.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.16 Sec. 3. Minnesota Statutes 2022, section 169.14, subdivision 5a, is amended to read:

4.17 Subd. 5a. **Speed zoning in school zone; surcharge.** (a) Each of the local authorities
 4.18 having jurisdiction over a street or highway within a school zone of a public or nonpublic
 4.19 school may establish a school speed limit on any street or highway within a that school zone
 4.20 of a public or nonpublic school, regardless of jurisdiction over the road. The school speed
 4.21 zone must be established upon the basis of an engineering and traffic investigation as
 4.22 prescribed by the commissioner of transportation. ~~The establishment of a school speed limit~~
 4.23 ~~on any trunk highway shall be with the consent of the commissioner of transportation. Such~~
 4.24 The school speed limits ~~shall be~~ are in effect when children are present, going to or leaving
 4.25 school during opening or closing hours or during school recess periods. The school speed
 4.26 limit ~~shall~~ must not be lower than 15 miles per hour and ~~shall~~ must not be more than 30
 4.27 miles per hour below the established speed limit on an affected street or highway.

4.28 (b) The school speed limit ~~shall be~~ is effective upon the erection of appropriate signs
 4.29 designating the speed and indicating the beginning and end of the reduced speed zone. Any
 4.30 speed in excess of such posted school speed limit is unlawful. ~~All such~~ The signs ~~shall~~ must
 4.31 be erected by the local authorities on those streets and highways under their respective
 4.32 jurisdictions and by the commissioner of transportation on trunk highways.

5.1 (c) For the purpose of this subdivision, "school zone" means that section of a street or
 5.2 highway which abuts the grounds of a school where children have access to the street or
 5.3 highway from the school property or where an established school crossing is located provided
 5.4 the school advance sign prescribed by the Manual on Uniform Traffic Control Devices
 5.5 adopted by the commissioner of transportation pursuant to section 169.06 is in place. All
 5.6 signs erected by local authorities to designate speed limits in school zones ~~shall~~ must conform
 5.7 to the Manual on Uniform Traffic Control Devices.

5.8 (d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person
 5.9 who violates a speed limit established under this subdivision is assessed an additional
 5.10 surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

5.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.12 Sec. 4. Minnesota Statutes 2022, section 169.14, is amended by adding a subdivision to
 5.13 read:

5.14 **Subd. 5i. School-related speed limits.** (a) A statutory or home rule charter city may
 5.15 establish speed limits other than the limits provided in subdivision 2 for any street or highway
 5.16 established within the city, regardless of jurisdiction over the road, on a street or highway
 5.17 segment that is:

5.18 (1) within two miles of a school speed zone; or

5.19 (2) designated by the city as part of a safe routes to school corridor.

5.20 (b) The school-related speed limit must not be lower than 20 miles per hour.

5.21 (c) A city that establishes a speed limit pursuant to this subdivision must implement
 5.22 speed limit changes in a consistent and understandable manner. The city must erect
 5.23 appropriate signs to display the speed limit.

5.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.25 **ARTICLE 3**

5.26 **ACTIVE TRANSPORTATION POLICY**

5.27 Section 1. Minnesota Statutes 2022, section 160.262, subdivision 3, is amended to read:

5.28 **Subd. 3. Cooperation among agencies and governments.** (a) The departments and
 5.29 agencies on the active transportation advisory committee identified in section 174.375 must
 5.30 provide information and advice for the bikeway design guidelines maintained by the
 5.31 commissioner.

6.1 (b) The commissioner must provide technical assistance to local units of government
 6.2 in:

6.3 (1) local planning and development of bikeways;

6.4 (2) establishing connections to state bicycle routes; and

6.5 (3) implementing statewide bicycle plans maintained by the commissioner.

6.6 (c) The commissioner may cooperate with and enter into agreements with the United
 6.7 States government, any department of the state of Minnesota, any unit of local government,
 6.8 any tribal government, or any public or private corporation in order to effect the purposes
 6.9 of this section.

6.10 Sec. 2. Minnesota Statutes 2022, section 160.266, subdivision 1b, is amended to read:

6.11 Subd. 1b. **State bicycle routes.** The commissioner of transportation must identify state
 6.12 bicycle routes primarily on existing road right-of-way and trails. State bicycle routes must
 6.13 be identified in cooperation with road and trail authorities, including the commissioner of
 6.14 natural resources and with the advice of the active transportation advisory committee under
 6.15 section 174.375. In a metropolitan area, state bicycle routes must be identified in coordination
 6.16 with the plans and priorities established by metropolitan planning organizations, as defined
 6.17 in United States Code, title 23, section 134.

6.18 Sec. 3. Minnesota Statutes 2022, section 160.266, subdivision 6, is amended to read:

6.19 Subd. 6. **Mississippi River Trail.** The Mississippi River Trail bikeway is designated as
 6.20 a state bicycle route. It must originate at Itasca State Park in Clearwater, Beltrami, and
 6.21 Hubbard Counties, then generally parallel the Mississippi River through the cities of Bemidji
 6.22 in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little
 6.23 Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County,
 6.24 Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County,
 6.25 Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County,
 6.26 and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminate.
 6.27 Where opportunities exist, the bikeway may be designated on both sides of the Mississippi
 6.28 River.

7.1 Sec. 4. Minnesota Statutes 2022, section 160.266, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 7. **Jim Oberstar Bikeway.** The Jim Oberstar Bikeway is designated as a state
7.4 bicycle route. It must originate in the city of St. Paul in Ramsey County, then proceed north
7.5 and east to Duluth in St. Louis County, then proceed north and east along the shore of Lake
7.6 Superior through Grand Marais in Cook County to Minnesota's boundary with Canada, and
7.7 there terminate.

7.8 Sec. 5. Minnesota Statutes 2022, section 169.18, subdivision 3, is amended to read:

7.9 Subd. 3. **Passing.** ~~The following rules shall govern the overtaking and passing of vehicles~~
7.10 ~~proceeding in the same direction, subject to the limitations, exceptions, and special rules~~
7.11 ~~hereinafter stated:~~

7.12 ~~(1) (a)~~ (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction
7.13 ~~shall~~ must pass to the left ~~thereof~~ of the other vehicle at a safe distance and ~~shall not again~~
7.14 ~~drive~~ is prohibited from returning to the right side of the roadway until safely clear of the
7.15 overtaken vehicle;

7.16 ~~(2) (b)~~ (b) Except when overtaking and passing on the right is permitted, the driver of an
7.17 overtaken vehicle ~~shall~~ must give way to the right in favor of the overtaking vehicle ~~on~~
7.18 ~~audible warning,~~ and ~~shall~~ must not increase the speed of the overtaken vehicle until
7.19 completely passed by the overtaking vehicle; ~~and.~~

7.20 ~~(3) (c)~~ (c) The operator of a motor vehicle overtaking a bicycle or individual proceeding in
7.21 the same direction on the roadway ~~shall leave~~ or shoulder must:

7.22 (1) either:

7.23 (i) maintain a safe clearance distance while passing, but in no case less than which must
7.24 be at least the greater of three feet clearance, when passing the bicycle or individual or
7.25 one-half the width of the motor vehicle; or

7.26 (ii) completely enter another lane of the roadway while passing; and shall

7.27 (2) maintain clearance until the motor vehicle has safely past passed the overtaken bicycle
7.28 or individual.

7.29 Sec. 6. Minnesota Statutes 2022, section 169.222, subdivision 4, is amended to read:

7.30 Subd. 4. **Riding rules.** (a) Every person operating a bicycle ~~upon a roadway shall~~ on a
7.31 road must ride as close as practicable to the right-hand curb or edge of the roadway ~~except~~

8.1 ~~under any of the following situations~~ road as the bicycle operator determines is safe. A
 8.2 person operating a bicycle is not required to ride as close to the right-hand curb or edge
 8.3 when:

8.4 (1) ~~when~~ overtaking and passing another vehicle proceeding in the same direction;

8.5 (2) ~~when~~ preparing for a left turn at an intersection or into a private road or driveway;

8.6 (3) ~~when~~ reasonably necessary to avoid conditions that make it unsafe to continue along
 8.7 the right-hand curb or edge, including fixed or moving objects, vehicles, pedestrians, animals,
 8.8 surface hazards, or narrow width narrow-width lanes, ~~that make it unsafe to continue along~~
 8.9 ~~the right-hand curb or edge; or;~~

8.10 (4) ~~when~~ operating on the shoulder of a roadway or in a bicycle lane; or

8.11 (5) operating in a right-hand turn lane before entering an intersection.

8.12 (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle ~~shall~~ operator must
 8.13 travel in the same direction as adjacent vehicular traffic.

8.14 (c) Persons riding bicycles upon a roadway or shoulder ~~shall~~ must not ride more than
 8.15 two abreast and ~~shall not impede the normal and reasonable movement of traffic and,~~ on a
 8.16 laned roadway, shall ride within a single lane.

8.17 (d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a
 8.18 crosswalk, ~~shall~~ must yield the right-of-way to any pedestrian and ~~shall~~ give an audible
 8.19 signal when necessary before overtaking and passing any pedestrian. ~~No~~ A person shall
 8.20 must not ride a bicycle upon a sidewalk within a business district unless permitted by local
 8.21 authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or
 8.22 crosswalk under their jurisdiction.

8.23 (e) An individual operating a bicycle or other vehicle on a bikeway ~~shall~~ must (1) give
 8.24 an audible signal a safe distance prior to overtaking a bicycle or individual, (2) leave a safe
 8.25 clearance distance when overtaking a bicycle or individual proceeding in the same direction
 8.26 ~~on the bikeway,~~ and ~~shall~~ (3) maintain clearance until safely past the overtaken bicycle or
 8.27 individual.

8.28 (g) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an
 8.29 intersection proceeding from the leftmost one-third of a dedicated right-hand turn lane
 8.30 without turning right.

9.1 Sec. 7. Minnesota Statutes 2022, section 169.222, is amended by adding a subdivision to
9.2 read:

9.3 Subd. 4a. **Stopping requirements.** (a) For purposes of this subdivision, "in the vicinity"
9.4 means located in an intersection or approaching an intersection in a manner that constitutes
9.5 a hazard of collision during the time that a bicycle operator would occupy the intersection.

9.6 (b) A bicycle operator who approaches a stop sign must slow to a speed that allows for
9.7 stopping before entering the intersection or the nearest crosswalk. Notwithstanding
9.8 subdivision 1 and section 169.06, subdivision 4, if there is not a vehicle in the vicinity, the
9.9 operator may make a turn or proceed through the intersection without stopping.

9.10 (c) A bicycle operator who approaches a traffic-control signal with a steady red indication,
9.11 including a circular red signal or red arrow signal, must slow to a speed that allows for
9.12 stopping before entering the intersection or the nearest crosswalk. Notwithstanding
9.13 subdivision 1 and section 169.06, subdivision 5, if there is not a vehicle in the vicinity, the
9.14 operator:

9.15 (1) may make a right-hand turn, or a left-hand turn onto a one-way roadway, without
9.16 stopping; and

9.17 (2) must otherwise perform a complete stop and then may make a turn or proceed through
9.18 the intersection before the traffic-control signal indication changes to green.

9.19 (d) Nothing in this subdivision alters the right-of-way requirements under section 169.20.
9.20 The provisions under this subdivision do not apply when traffic is controlled by a peace
9.21 officer or a person authorized to control traffic under section 169.06.

9.22 Sec. 8. [174.375] **ACTIVE TRANSPORTATION ADVISORY COMMITTEE.**

9.23 Subdivision 1. **Committee established; duties.** (a) The commissioner of transportation
9.24 must establish an active transportation advisory committee. The advisory committee must
9.25 make recommendations to the commissioner on items related to:

9.26 (1) active transportation, including safety, education, and development programs;

9.27 (2) the active transportation program under section 174.38; and

9.28 (3) the safe routes to school program under section 174.40.

9.29 (b) The committee must review and analyze issues and needs relating to active
9.30 transportation on public rights-of-way and identify solutions and goals for addressing
9.31 identified issues and needs.

10.1 (c) For purposes of this section, "active transportation" includes bicycling, pedestrian
10.2 activities, and other forms of nonmotorized transportation.

10.3 Subd. 2. **Membership.** (a) The advisory committee consists of the members specified
10.4 in this subdivision.

10.5 (b) The commissioner of transportation must appoint up to 18 public members as follows:
10.6 one member from each of the department's seven greater Minnesota districts; four members
10.7 from the department's metropolitan district; and no more than seven members at large. Each
10.8 of the members at large must represent nonmotorized interests or organizations.

10.9 (c) The commissioners of each of the following state agencies must appoint an employee
10.10 of the agency to serve as a member: administration, education, health, natural resources,
10.11 public safety, transportation, and pollution control. The chair of the Metropolitan Council
10.12 must appoint an employee of the council to serve as a member. The director of Explore
10.13 Minnesota Tourism must appoint an employee of the agency to serve as a member.

10.14 (d) The division administrator of the Federal Highway Administration may appoint an
10.15 employee of the agency to serve as a member.

10.16 (e) Each member of the committee serves a four-year term at the pleasure of the
10.17 appointing authority.

10.18 (f) The committee must select a chair from its membership.

10.19 Subd. 3. **Meetings; staffing.** (a) The advisory committee must establish a meeting
10.20 schedule and meet at least annually.

10.21 (b) The commissioner of transportation must provide department staff support to the
10.22 advisory committee.

10.23 Subd. 4. **Expenses.** (a) Members of the advisory committee serve without compensation,
10.24 but members who are not employees of government agencies must be reimbursed for
10.25 expenses in the same manner and amount as authorized by the commissioner's plan adopted
10.26 under section 43A.18, subdivision 2.

10.27 (b) To provide compensation under paragraph (a), the commissioner of transportation
10.28 may expend the amount necessary from general fund appropriations.

10.29 Subd. 5. **Reports.** The advisory committee must submit an annual report to the
10.30 commissioner of transportation.

10.31 Subd. 6. **Expiration.** The advisory committee expires June 30, 2033.

11.1 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
 11.2 commissioner of transportation must convene the first meeting by October 15, 2023.

11.3 Sec. 9. Minnesota Statutes 2022, section 174.38, subdivision 6, is amended to read:

11.4 Subd. 6. **Use of funds.** (a) The commissioner must determine permissible uses of financial
 11.5 assistance under this section, which are limited to:

11.6 (1) construction and maintenance of bicycle, trail, and pedestrian infrastructure, including
 11.7 but not limited to safe routes to school infrastructure and bicycle facilities and centers; and

11.8 (2) noninfrastructure programming, including activities as specified in section 174.40,
 11.9 subdivision 7a, paragraph (b).

11.10 (b) Of the amount made available in each fiscal year, the first \$500,000 is for grants to
 11.11 develop, maintain, and implement active transportation safety curriculum for youth ages
 11.12 five to 14 years old, and if remaining funds are available, for (1) youth ages 15 to 17 years
 11.13 old, (2) adult active transportation safety programs, and (3) adult learn-to-ride programs.
 11.14 The curriculum must include resources for teachers and must meet the model training
 11.15 materials requirements under section 123B.935, subdivision 4.

11.16 Sec. 10. **EFFECTIVE DATE.**

11.17 Unless otherwise specified, this article is effective August 1, 2023.

11.18 **ARTICLE 4**
 11.19 **APPROPRIATIONS**

11.20 Section 1. **APPROPRIATION; SAFE ROUTES TO SCHOOL PROGRAM.**

11.21 \$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated
 11.22 from the general fund to the commissioner of transportation for the safe routes to school
 11.23 program under Minnesota Statutes, section 174.40. \$10,000,000 is added to the annual base
 11.24 for this activity.

11.25 Sec. 2. **APPROPRIATION; ACTIVE TRANSPORTATION PROGRAM.**

11.26 \$25,000,000 in fiscal year 2024 and \$25,000,000 in fiscal year 2025 are appropriated
 11.27 from the general fund to the commissioner of transportation for the active transportation
 11.28 program under Minnesota Statutes, section 174.38. This appropriation is available until
 11.29 June 30, 2027. The annual base for this activity is \$25,000,000.