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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2547**

02/27/2012 Authored by Leidiger, Beard, Murdock, Vogel, Quam and others

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to metropolitan government; requiring city, county, and town approval
1.3 prior to constructing light rail transit facilities; amending Minnesota Statutes
1.4 2010, section 473.3994, subdivisions 3, 4, 5, 7.

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

1.6 Section 1. Minnesota Statutes 2010, section 473.3994, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Preliminary design plans; local approval.** At least 30 days before the
1.9 hearing under subdivision 2, the responsible authority shall submit the physical design
1.10 component of the preliminary design plans to the governing body of each statutory and
1.11 home rule charter city, county, and town in which the route is proposed to be located. The
1.12 city, county, or town shall hold a public hearing. Within 45 days after the hearing under
1.13 subdivision 2, the city, county, or town shall review and approve or disapprove the plans
1.14 for the route to be located in the city, county, or town. A local unit of government that
1.15 disapproves the plans shall ~~describe~~ submit to the council a resolution passed by the
1.16 governing body of the local unit of government that includes either specific amendments
1.17 to the plans that, if adopted, would cause the local unit to withdraw its disapproval or a
1.18 statement that no amendment would cause the local unit of government to withdraw its
1.19 disapproval. A disapproving local unit of government may approve the plans at any time
1.20 by submitting to the council a resolution passed by its governing body that states the local
1.21 governing unit withdraws its disapproval. Failure to approve or disapprove the plans in
1.22 writing within 45 days after the hearing is deemed to be approval, unless an extension of
1.23 time is agreed to by the city, county, or town and the responsible authority.

2.1 Sec. 2. Minnesota Statutes 2010, section 473.3994, subdivision 4, is amended to read:

2.2 Subd. 4. **Preliminary design plans; council hearing.** If the governing body of
2.3 one or more cities, counties, or towns disapproves the preliminary design plans within
2.4 the period allowed under subdivision 3, the council shall hold a hearing on the plans,
2.5 giving the commissioner of transportation, if the responsible authority, any disapproving
2.6 local governmental units, and other persons an opportunity to present their views on the
2.7 plans. The council may conduct independent study as it deems desirable and may mediate
2.8 and attempt to resolve disagreements about the plans. Within 60 days after the hearing,
2.9 the council shall review the plans and shall decide what amendments to the plans, if
2.10 any, must be made to accommodate the objections presented by the disapproving local
2.11 governmental units. The council and any disapproving local unit of government may
2.12 negotiate acceptable amendments. The negotiations are not limited to the amendments
2.13 proposed by the local unit of government submitted to the council under subdivision 3. If
2.14 the council decides that it will not make amendments to the plan and the disapproving
2.15 local unit of government has not withdrawn its disapproval, as described in subdivision 3,
2.16 the council shall not proceed with the proposed preliminary design plan. Amendments
2.17 to the plans as decided by the council must be made before continuing the planning and
2.18 designing process.

2.19 Sec. 3. Minnesota Statutes 2010, section 473.3994, subdivision 5, is amended to read:

2.20 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial
2.21 change from the preliminary design plans with respect to location, length, or termini
2.22 of routes; general dimension, elevation, or alignment of routes and crossings; location
2.23 of tracks above ground, below ground, or at ground level; or station locations, before
2.24 beginning construction, the responsible authority shall submit the changed component of
2.25 the final design plans to the governing body of each statutory and home rule city, county,
2.26 and town in which the changed component is proposed to be located. Within 60 days
2.27 after the submission of the plans, the city, county, or town shall review and approve or
2.28 disapprove the changed component located in the city, county, or town. A local unit of
2.29 government that disapproves the change shall ~~describe~~ submit to the council a resolution
2.30 passed by the governing body of the local unit of government that includes either specific
2.31 amendments to the plans that, if adopted, would cause the local unit to withdraw its
2.32 disapproval or a statement that no amendment would cause the local unit of government to
2.33 withdraw its disapproval. A disapproving local unit of government may approve the plans
2.34 at any time by submitting to the council a resolution passed by its governing body that
2.35 states the local governing unit withdraws its disapproval. Failure to approve or disapprove

3.1 the changed plans in writing within the time period is deemed to be approval, unless an
3.2 extension is agreed to by the city, county, or town and the responsible authority.

3.3 (b) If the governing body of one or more cities, counties, or towns disapproves the
3.4 changed plans within the period allowed under paragraph (a), the council shall review
3.5 the final design plans under the same procedure and with the same effect as provided in
3.6 subdivision 4 for preliminary design plans.

3.7 Sec. 4. Minnesota Statutes 2010, section 473.3994, subdivision 7, is amended to read:

3.8 Subd. 7. **Council review.** If the commissioner is the responsible authority, before
3.9 proceeding with construction of a light rail transit facility, the commissioner must submit
3.10 preliminary and final design plans to the Metropolitan Council. The council must review
3.11 the plans for consistency with the council's development guide and approve the plans.

3.12 This review is in addition to the hearing process described in subdivisions 2 to 5.