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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4238**

03/14/2022

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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 transit; requiring municipal approval of guideway plans; allowing
1.3 municipalities to revoke approval; prohibiting requesting federal funds until
1.4 municipal approval is received; proposing coding for new law in Minnesota
1.5 Statutes, chapter 473.
1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[473.4486] MUNICIPAL APPROVAL OF GUIDEWAY PLANS.**

1.8 Subdivision 1. **Application.** "Guideway" has the meaning given in section 473.4485,
1.9 subdivision 1, paragraph (d), except that this section does not apply to light rail transit.

1.10 Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are
1.11 prepared for a guideway in the metropolitan area, the council must hold a public hearing
1.12 on the physical design component of the preliminary design plans. The council must provide
1.13 appropriate public notice of the hearing and publicity to ensure that affected parties have
1.14 an opportunity to present their views at the hearing. The council must summarize the
1.15 proceedings and testimony and maintain the record of a hearing held under this section,
1.16 including any written statements submitted.

1.17 Subd. 3. **Preliminary design plans; local approval.** At least 30 days before the hearing
1.18 under subdivision 2, the council must submit the physical design component of the
1.19 preliminary design plans to the governing body of each statutory and home rule charter city,
1.20 county, and town in which the route is proposed to be located. The city, county, or town
1.21 must hold a public hearing. Within 45 days after the hearing under subdivision 2, the city,
1.22 county, or town must review and approve or disapprove the plans for the route to be located
1.23 in the city, county, or town. A local unit of government that disapproves the plans must

2.1 describe specific amendments to the plans that, if adopted, would cause the local unit to
2.2 withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45
2.3 days after the hearing is deemed to be an approval unless an extension of time is agreed to
2.4 by the city, county, or town and the council.

2.5 Subd. 4. **Preliminary design plans; council hearing.** If the governing body of one or
2.6 more cities, counties, or towns disapproves the preliminary design plans within the period
2.7 allowed under subdivision 3, the council must hold a hearing on the plans, giving any
2.8 disapproving local governmental units and other persons an opportunity to present their
2.9 views on the plans. The council may conduct an independent study as it deems desirable
2.10 and may mediate and attempt to resolve disagreements about the plans. Within 60 days after
2.11 the hearing, the council must review the plans and must decide what amendments to the
2.12 plans, if any, must be made to accommodate the objections presented by the disapproving
2.13 local governmental units. Amendments to the plans as decided by the council must be made
2.14 before continuing the planning and designing process.

2.15 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change
2.16 from the preliminary design plans with respect to location, length, or termini of routes;
2.17 general dimension, elevation, or alignment of routes and crossings; or shelters or stops,
2.18 before beginning construction, the council must submit the changed component of the final
2.19 design plans to the governing body of each statutory and home rule charter city, county,
2.20 and town in which the changed component is proposed to be located. Within 60 days after
2.21 the submission of the plans, the city, county, or town must review and approve or disapprove
2.22 the changed component located in the city, county, or town. A local unit of government that
2.23 disapproves the change must describe specific amendments to the plans that, if adopted,
2.24 would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the
2.25 changed plans in writing within the time period is deemed to be an approval, unless an
2.26 extension is agreed to by the city, county, or town.

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

2.31 Subd. 6. **Revocation.** A city, county, or town that has approved the plan as provided by
2.32 this section may revoke its approval of the plan at any point prior to the council securing
2.33 federal funding for the project. The city, county, or town must notify the council of the
2.34 revocation. Upon receipt of the notification, the council must review the final design plans

3.1 under the same procedure and with the same effect as provided in subdivision 4 for
3.2 preliminary design plans.

3.3 Subd. 7. **Prohibition.** The council must not apply for or request any federal funds for a
3.4 guideway project until each city, county, or town in which the route is proposed to be located
3.5 has approved of the plan as provided by this section.

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