

A bill for an act
relating to transportation; establishing priority of roads and bridges; establishing
requirements governing federal aid for rail guideways; proposing coding for new
law in Minnesota Statutes, chapter 174.

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

Section 1. **[174.035] PRIORITY OF ROADS AND BRIDGES; FEDERAL AID.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms
have the meanings given them:

(1) "rail guideway" has the meaning given to "guideway" under section 174.93,
subdivision 1, except that the term excludes bus rapid transit; and

(2) "roadway performance targets" means those performance measures established
under section 174.03, subdivisions 1a and 1c, and under the department's Annual
Minnesota Transportation Performance Report, in which (i) the commissioner of
transportation has identified a specific target or goal; and (ii) the measure pertains to
roadway and bridge safety, infrastructure preservation, maintenance, mobility, and project
accountability.

(b) For purposes of this section:

(1) "federal assistance on a rail guideway" applies to capital and operating assistance,
applies to an existing rail guideway and development or expansion of a rail guideway,
and includes but is not limited to system or corridor planning, project planning, feasibility
study, alternatives analysis, environmental analysis, project scoping, design, preliminary
engineering, final engineering, construction, and maintenance activities; and

(2) "state agency" includes the metropolitan council, the Office of the Attorney
General, and the Office of the Governor.

2.1 Subd. 2. **Priority of highway system; restrictions on federal aid.** (a) Unless the
2.2 commissioner of transportation certifies, as provided in subdivision 3, that all roadway
2.3 performance targets have been met or exceeded:

2.4 (1) a state agency may not apply for or accept federal funds for federal assistance
2.5 on a rail guideway;

2.6 (2) a state agency may not enter into a memorandum of understanding or agreement
2.7 that primarily relates to federal assistance on a rail guideway; and

2.8 (3) a political subdivision, including but not limited to a county, statutory or home
2.9 rule charter city, joint powers board, or regional railroad authority, may not enter into a
2.10 memorandum of understanding or agreement that primarily relates to federal assistance on
2.11 a rail guideway if the memorandum or agreement includes, or otherwise anticipates at
2.12 some future time, financial assistance from any state source of funds.

2.13 (b) Paragraph (a) applies notwithstanding sections 161.36; 174.634, paragraph (a);
2.14 174.636, paragraph (a); 174.88, subdivision 1; and 473.3997.

2.15 Subd. 3. **Certification.** (a) In conjunction with adoption of each report or plan
2.16 containing roadway performance targets, the commissioner of transportation shall certify
2.17 the scores for each of the roadway performance targets to the governor and to the chairs
2.18 and ranking minority members of the house of representatives and senate committees with
2.19 jurisdiction over transportation policy and finance, including a finding of whether all
2.20 roadway performance targets have been met or exceeded.

2.21 (b) If a certification under paragraph (a) includes a finding that all roadway
2.22 performance targets have been met or exceeded, then the certification is valid for purposes
2.23 of subdivision 2 for a period of one fiscal year, beginning the first July 1 following the
2.24 date of the certification.

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