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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 68

01/14/2019 Authored by Hertaus, Lucero, Scott and Boe
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to metropolitan government; transferring all long-range transportation
1.3 planning functions from the Metropolitan Council to the Department of
1.4 Transportation; amending Minnesota Statutes 2018, sections 174.03, by adding a
1.5 subdivision; 473.145; 473.146; 473.1466; 473.166; 473.167, subdivision 2; 473.168,
1.6 subdivision 2; 473.181, subdivision 5; 473.192, subdivision 2; 473.375, subdivision
1.7 9a.

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

1.9 Section 1. Minnesota Statutes 2018, section 174.03, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 1e. Metropolitan area long-range transportation policy plan; transportation
1.12 planning duties. As soon as practicable after the effective date of this section, the
1.13 commissioner shall adopt a long-range transportation policy plan for the metropolitan area.
1.14 The commissioner shall periodically update the plan and is responsible for any other
1.15 transportation planning activities, as provided in chapter 473. "Metropolitan area" means
1.16 the area defined in section 473.121, subdivision 2.

1.17 EFFECTIVE DATE; APPLICATION. This section is effective the day following
1.18 final enactment.

1.19 Sec. 2. Minnesota Statutes 2018, section 473.145, is amended to read:

1.20 473.145 DEVELOPMENT GUIDE.

1.21 The Metropolitan Council shall prepare and adopt, after appropriate study and such
1.22 public hearings as may be necessary, a comprehensive development guide for the
1.23 metropolitan area. It shall consist of a compilation of policy statements, goals, standards,

2.1 programs, and maps prescribing guides for the orderly and economical development, public  
 2.2 and private, of the metropolitan area. The comprehensive development guide shall recognize  
 2.3 and encompass physical, social, or economic needs of the metropolitan area and those future  
 2.4 developments which will have an impact on the entire area including but not limited to such  
 2.5 matters as land use, parks and open space land needs, ~~the necessity for and location of~~  
 2.6 ~~airports, highways, transit facilities~~, public hospitals, libraries, schools, and other public  
 2.7 buildings. The Metropolitan Development Guide shall include the long-range transportation  
 2.8 policy plan for the metropolitan area adopted by the commissioner of transportation under  
 2.9 section 473.146, and any other plans and policies developed by the commissioner of  
 2.10 transportation relating to the necessity for and location of airports, highways, and transit  
 2.11 facilities in the metropolitan area. For the purposes of this chapter, the transportation policy  
 2.12 plan adopted by the commissioner of transportation is deemed the plan adopted by the  
 2.13 council.

2.14 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 2.15 final enactment and applies to transportation policy plans for the metropolitan area adopted  
 2.16 by the commissioner of transportation on or after that date. This section applies in the  
 2.17 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

2.18 Sec. 3. Minnesota Statutes 2018, section 473.146, is amended to read:

2.19 **473.146 POLICY PLANS FOR METROPOLITAN AGENCIES.**

2.20 Subdivision 1. **Requirement.** ~~The council~~ the commissioner of transportation shall adopt  
 2.21 a long-range comprehensive policy plan for transportation and the council shall adopt a  
 2.22 long-range comprehensive policy plan for wastewater treatment. The plans must substantially  
 2.23 conform to all policy statements, purposes, goals, standards, and maps in the development  
 2.24 guide developed and adopted by the commissioner and the council under this chapter. Each  
 2.25 policy plan must include, to the extent appropriate to the functions, services, and systems  
 2.26 covered, the following:

2.27 (1) forecasts of changes in the general levels and distribution of population, households,  
 2.28 employment, land uses, and other relevant matters, for the metropolitan area and appropriate  
 2.29 subareas;

2.30 (2) a statement of issues, problems, needs, and opportunities with respect to the functions,  
 2.31 services, and systems covered;

2.32 (3) a statement of the commissioner's and the council's goals, objectives, and priorities  
 2.33 with respect to the functions, services, and systems covered, addressing areas and populations

3.1 to be served, the levels, distribution, and staging of services; a general description of the  
 3.2 facility systems required to support the services; the estimated cost of improvements required  
 3.3 to achieve the commissioner's and the council's goals for the regional systems, including  
 3.4 an analysis of what portion of the funding for each improvement is proposed to come from  
 3.5 the state, Metropolitan Council levies, and cities, counties, and towns in the metropolitan  
 3.6 area, respectively, and other similar matters;

3.7 (4) a statement of policies to effectuate the commissioner's and the council's goals,  
 3.8 objectives, and priorities;

3.9 (5) a statement of the fiscal implications of the commissioner's and the council's ~~plan~~  
 3.10 plans, including a statement of: (i) the resources available under existing fiscal policy; (ii)  
 3.11 the adequacy of resources under existing fiscal policy and any shortfalls and unattended  
 3.12 needs; (iii) additional resources, if any, that are or may be required to effectuate the  
 3.13 commissioner's and the council's goals, objectives, and priorities; and (iv) any changes in  
 3.14 existing fiscal policy, on regional revenues and intergovernmental aids respectively, that  
 3.15 are expected or that the commissioner or the council has recommended or may recommend;

3.16 (6) a statement of the relationship of the policy plan to other policy plans and chapters  
 3.17 of the Metropolitan Development Guide;

3.18 (7) a statement of the relationships to local comprehensive plans prepared under sections  
 3.19 473.851 to 473.871; and

3.20 (8) additional general information as may be necessary to develop the policy plan or as  
 3.21 may be required by the laws relating to the metropolitan agency and function covered by  
 3.22 the policy plan.

3.23 Subd. 3. **Development guide: transportation.** The transportation chapter developed  
 3.24 and adopted by the commissioner of transportation must include policies relating to all  
 3.25 transportation forms and be designed to promote the legislative determinations, policies,  
 3.26 and goals set forth in section 473.371. In addition to the requirements of subdivision 1  
 3.27 regarding the contents of the policy plan, the nontransit element of the transportation chapter  
 3.28 must include the following:

3.29 (1) a statement of the needs and problems of the metropolitan area with respect to the  
 3.30 functions covered, including the present and prospective demand for and constraints on  
 3.31 access to regional business concentrations and other major activity centers and the constraints  
 3.32 on and acceptable levels of development and vehicular trip generation at such centers;

3.33 (2) the objectives of and the policies to be forwarded by the policy plan;

4.1 (3) a general description of the physical facilities and services to be developed;

4.2 (4) a statement as to the general location of physical facilities and service areas;

4.3 (5) a general statement of timing and priorities in the development of those physical  
4.4 facilities and service areas;

4.5 (6) a detailed statement, updated every two years, of timing and priorities for  
4.6 improvements and expenditures needed on the metropolitan highway system;

4.7 (7) a general statement on the level of public expenditure appropriate to the facilities;  
4.8 and

4.9 (8) a long-range assessment of air transportation trends and factors that may affect airport  
4.10 development in the metropolitan area and policies and strategies that will ensure a  
4.11 comprehensive, coordinated, and timely investigation and evaluation of alternatives for  
4.12 airport development.

4.13 The ~~council~~ commissioner of transportation shall develop the nontransit element in  
4.14 consultation with the transportation advisory board and the Metropolitan Airports  
4.15 Commission and cities having an airport located within or adjacent to its corporate  
4.16 boundaries. The ~~council~~ commissioner of transportation shall also take into consideration  
4.17 the airport development and operations plans and activities of the commission. ~~The council~~  
4.18 ~~shall transmit the results to the state Department of Transportation.~~

4.19 Subd. 4. **Transportation planning.** (a) The ~~Metropolitan Council~~ Transportation  
4.20 Advisory Board established in this subdivision is the designated planning agency for any  
4.21 long-range comprehensive transportation planning required by section 134 of the Federal  
4.22 Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section  
4.23 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The ~~council~~  
4.24 commissioner of transportation shall assure administration and coordination of transportation  
4.25 planning with appropriate state, regional and other agencies, counties, and municipalities.

4.26 (b) The ~~council shall establish an~~ Transportation Advisory body Board consisting of  
4.27 citizens and representatives of municipalities, counties, and state agencies in fulfillment of  
4.28 the metropolitan planning organization's responsibilities ~~of the council~~. The ~~membership~~  
4.29 ~~of the advisory body must consist~~ Transportation Advisory Board consists of:

4.30 (1) the commissioner of transportation or the commissioner's designee;

4.31 (2) the commissioner of the Pollution Control Agency or the commissioner's designee;

4.32 (3) one member of the Metropolitan Airports Commission appointed by the commission;

- 5.1 (4) one person appointed by the council to represent nonmotorized transportation;
- 5.2 (5) one person appointed by the commissioner of transportation to represent the freight  
5.3 transportation industry;
- 5.4 (6) two persons appointed by the council to represent public transit;
- 5.5 (7) ten elected officials of cities within the metropolitan area, including one representative  
5.6 from each first-class city, appointed by the Association of Metropolitan Municipalities;
- 5.7 (8) one member of the county board of each county in the seven-county metropolitan  
5.8 area, appointed by the respective county boards;
- 5.9 (9) eight citizens appointed by the council, one from each council precinct;
- 5.10 (10) one elected official from a city participating in the replacement service program  
5.11 under section 473.388, appointed by the Suburban Transit Association; and
- 5.12 (11) one member of the council, appointed by the council.
- 5.13 (c) The ~~council~~ commissioner of transportation shall appoint a chair from among the  
5.14 members of the advisory body.

5.15 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
5.16 final enactment and applies to transportation policy plans for the metropolitan area adopted  
5.17 by the commissioner of transportation on or after that date. This section applies in the  
5.18 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

5.19 Sec. 4. Minnesota Statutes 2018, section 473.1466, is amended to read:

5.20 **473.1466 TRANSPORTATION SYSTEM PERFORMANCE EVALUATION.**

- 5.21 (a) Prior to each major revision of the transportation policy plan, the ~~council~~  
5.22 commissioner of transportation must carry out a performance evaluation of the metropolitan  
5.23 area's transportation system as a whole. The performance evaluation must:
- 5.24 (1) evaluate the area's ability to meet the need for effective and efficient transportation  
5.25 of goods and people;
- 5.26 (2) evaluate trends and their impacts on the area's transportation system;
- 5.27 (3) assess the region's success in meeting the currently adopted regional transportation  
5.28 benchmarks; and
- 5.29 (4) include an evaluation of the regional transit system, including a comparison with  
5.30 peer metropolitan regions with regard to key operating and investment measurements.

6.1 (b) The ~~council~~ commissioner of transportation must update the evaluation of the regional  
6.2 transit system every two years.

6.3 (c) The ~~council~~ commissioner of transportation shall use the results of the performance  
6.4 evaluation to make recommendations for improving the system in each revision of the  
6.5 transportation policy plan.

6.6 (d) The ~~council~~ commissioner of transportation must conduct a peer review of the  
6.7 performance evaluation using at least two nationally recognized transportation and transit  
6.8 consultants.

6.9 (e) The ~~council~~ commissioner of transportation must submit the performance evaluation  
6.10 to the chairs and ranking minority members of the house of representatives and senate  
6.11 committees and divisions with jurisdiction over transportation finance and policy.

6.12 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
6.13 final enactment and applies to transportation policy plans for the metropolitan area adopted  
6.14 by the commissioner of transportation on or after that date. This section applies in the  
6.15 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

6.16 Sec. 5. Minnesota Statutes 2018, section 473.166, is amended to read:

6.17 **473.166 CONTROLLED ACCESS; APPROVAL.**

6.18 Before acquiring land for or constructing a controlled access highway in the area, the  
6.19 state Transportation Department or local government unit proposing the acquisition or  
6.20 construction shall submit to the ~~council~~ commissioner of transportation a statement describing  
6.21 the proposed project. The statement must be in the form and detail required by the ~~council~~  
6.22 commissioner. The ~~council~~ commissioner shall review the statement to ascertain its  
6.23 consistency with ~~its~~ the commissioner's long-range comprehensive transportation policy  
6.24 plan for the metropolitan area and the development guide. No project may be undertaken  
6.25 unless the ~~council~~ commissioner determines that it is consistent with the policy plan. This  
6.26 approval is in addition to the requirements of any other statute, ordinance, or rule.

6.27 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
6.28 final enactment and applies to transportation policy plans for the metropolitan area adopted  
6.29 by the commissioner of transportation on or after that date. This section applies in the  
6.30 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

7.1 Sec. 6. Minnesota Statutes 2018, section 473.167, subdivision 2, is amended to read:

7.2 Subd. 2. **Loans for acquisition.** (a) The council may make loans to counties, towns,  
7.3 and statutory and home rule charter cities within the metropolitan area for the purchase of  
7.4 property within the right-of-way of a state trunk highway shown on an official map adopted  
7.5 pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed  
7.6 right-of-way of a principal or intermediate arterial highway designated by the ~~council~~  
7.7 commissioner of transportation as a part of the metropolitan highway system plan and  
7.8 approved by the ~~council pursuant to section 473.166~~ commissioner of transportation. The  
7.9 loans shall be made by the council, from the fund established pursuant to this subdivision,  
7.10 for purchases approved by the ~~council~~ commissioner of transportation. The loans shall bear  
7.11 no interest.

7.12 (b) The ~~council~~ commissioner of transportation shall ~~make~~ approve loans only:

7.13 (1) to accelerate the acquisition of primarily undeveloped property when there is a  
7.14 reasonable probability that the property will increase in value before highway construction,  
7.15 and to update an expired environmental impact statement on a project for which the  
7.16 right-of-way is being purchased;

7.17 (2) to avert the imminent conversion or the granting of approvals which would allow  
7.18 the conversion of property to uses which would jeopardize its availability for highway  
7.19 construction;

7.20 (3) to advance planning and environmental activities on highest priority major  
7.21 metropolitan river crossing projects, under the ~~transportation~~ Metropolitan Development  
7.22 Guide chapter/ on transportation and the commissioner's long-range comprehensive  
7.23 transportation policy plan for the metropolitan area; or

7.24 (4) to take advantage of open market opportunities when developed properties become  
7.25 available for sale, provided all parties involved are agreeable to the sale and funds are  
7.26 available.

7.27 (c) The ~~council~~ commissioner of transportation shall not ~~make~~ approve loans for the  
7.28 purchase of property at a price which exceeds the fair market value of the property or which  
7.29 includes the costs of relocating or moving persons or property. The eminent domain process  
7.30 may be used to settle differences of opinion as to fair market value, provided all parties  
7.31 agree to the process.

7.32 (d) A private property owner may elect to receive the purchase price either in a lump  
7.33 sum or in not more than four annual installments without interest on the deferred installments.

8.1 If the purchase agreement provides for installment payments, the council shall make the  
 8.2 loan in installments corresponding to those in the purchase agreement. The recipient of an  
 8.3 acquisition loan shall convey the property for the construction of the highway at the same  
 8.4 price which the recipient paid for the property. The price may include the costs of preparing  
 8.5 environmental documents that were required for the acquisition and that were paid for with  
 8.6 money that the recipient received from the loan fund. Upon notification by the ~~council~~  
 8.7 commissioner of transportation that the plan to construct the highway has been abandoned  
 8.8 or the anticipated location of the highway changed, the recipient shall sell the property at  
 8.9 market value in accordance with the procedures required for the disposition of the property.  
 8.10 All rents and other money received because of the recipient's ownership of the property and  
 8.11 all proceeds from the conveyance or sale of the property shall be paid to the council. If a  
 8.12 recipient is not permitted to include in the conveyance price the cost of preparing  
 8.13 environmental documents that were required for the acquisition, then the recipient is not  
 8.14 required to repay the council an amount equal to 40 percent of the money received from  
 8.15 the loan fund and spent in preparing the environmental documents.

8.16 (e) The proceeds of the tax authorized by subdivision 3, all money paid to the council  
 8.17 by recipients of loans, and all interest on the proceeds and payments shall be maintained as  
 8.18 a separate fund. For administration of the loan program, the council may expend from the  
 8.19 fund each year an amount no greater than three percent of the amount of the proceeds for  
 8.20 that year.

8.21 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 8.22 final enactment and applies to transportation policy plans for the metropolitan area adopted  
 8.23 by the commissioner of transportation on or after that date. This section applies in the  
 8.24 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

8.25 Sec. 7. Minnesota Statutes 2018, section 473.168, subdivision 2, is amended to read:

8.26 Subd. 2. **Exclusive lanes; multipassenger transit.** The ~~Metropolitan Council~~  
 8.27 commissioner of transportation may require that any freeway constructed in the metropolitan  
 8.28 area on which actual construction has not been commenced by April 12, 1974<sub>2</sub> include  
 8.29 provisions for exclusive lanes for buses and, as the ~~council~~ commissioner of transportation  
 8.30 may determine, other forms of multipassenger transit. The ~~council~~ commissioner of  
 8.31 transportation, in making ~~its~~ the determination, must demonstrate that the exclusive lanes  
 8.32 are necessary to implement the transportation policy plan of the development guide.

8.33 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 8.34 final enactment and applies to transportation policy plans for the metropolitan area adopted



9.1 by the commissioner of transportation on or after that date. This section applies in the  
 9.2 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

9.3 Sec. 8. Minnesota Statutes 2018, section 473.181, subdivision 5, is amended to read:

9.4 Subd. 5. **Airports.** The ~~council~~ commissioner of transportation shall review Metropolitan  
 9.5 Airports Commission capital projects pursuant to section 473.621, subdivision 6. The plans  
 9.6 of the Metropolitan Airports Commission and the development of the metropolitan airports  
 9.7 system by the commission shall, as provided in sections 473.611, subdivision 5, and 473.655,  
 9.8 be consistent with the development guide of the council and the transportation policy plan  
 9.9 adopted by the commissioner of transportation.

9.10 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 9.11 final enactment and applies to transportation policy plans for the metropolitan area adopted  
 9.12 by the commissioner of transportation on or after that date. This section applies in the  
 9.13 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

9.14 Sec. 9. Minnesota Statutes 2018, section 473.192, subdivision 2, is amended to read:

9.15 Subd. 2. **Definitions.** For purposes of this section, "metropolitan area" has the meaning  
 9.16 given it in section 473.121, subdivision 2. "Transportation policy plan" means the plan  
 9.17 adopted by the ~~Metropolitan Council~~ commissioner of transportation pursuant to section  
 9.18 473.145. "Municipality" has the meaning provided by section 462.352, subdivision 2.

9.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 9.20 final enactment and applies to transportation policy plans for the metropolitan area adopted  
 9.21 by the commissioner of transportation on or after that date. This section applies in the  
 9.22 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

9.23 Sec. 10. Minnesota Statutes 2018, section 473.375, subdivision 9a, is amended to read:

9.24 Subd. 9a. **Transportation Accessibility Advisory Committee.** The council shall  
 9.25 establish a Transportation Accessibility Advisory Committee consisting of 15 members and  
 9.26 a chair to advise the council on the development and management of policies regarding  
 9.27 accessibility of all aspects of fixed regular route and special transportation services for  
 9.28 persons with disabilities. The Transportation Accessibility Advisory Committee shall also  
 9.29 advise the council and commissioner of transportation on long-range plans to meet the  
 9.30 accessible transportation needs of the disability community. The Transportation Accessibility  
 9.31 Advisory Committee must include elderly persons, persons with disabilities, other users of  
 9.32 special transportation services, and representatives of appropriate agencies for elderly

10.1 persons and persons with disabilities. At least half the Transportation Accessibility Advisory  
10.2 Committee members must be persons who are both ADA-certified and users of public transit  
10.3 in the metropolitan area. Two of the appointments to the Transportation Accessibility  
10.4 Advisory Committee must be made by the Council on Disability in consultation with the  
10.5 chair of the Metropolitan Council.

10.6 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
10.7 final enactment and applies to transportation policy plans for the metropolitan area adopted  
10.8 by the commissioner of transportation on or after that date. This section applies in the  
10.9 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.