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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 861

02/06/2017

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The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy

1.1 A bill for an act
1.2 relating to transportation; modifying various provisions governing commercial
1.3 motor vehicles, highway-rail grade crossing signs, Department of Transportation
1.4 contract preference requirements, and transportation plan due dates; amending
1.5 Minnesota Statutes 2016, sections 161.321, subdivision 6; 169.85, subdivision 1;
1.6 169.865, subdivision 3; 171.12, subdivision 6; 174.03, subdivisions 1a, 1c; 219.20,
1.7 subdivision 1; 221.031, by adding a subdivision.

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

1.9 Section 1. Minnesota Statutes 2016, section 161.321, subdivision 6, is amended to read:

1.10 Subd. 6. **Rules; eligibility.** ~~(a)~~ The rules adopted by the commissioner of administration
1.11 to define small businesses and to set time and other eligibility requirements for participation
1.12 in programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may
1.13 promulgate other rules necessary to carry out this section.

1.14 ~~(b) In addition to other eligibility requirements, a small targeted group business or~~
1.15 ~~veteran-owned small business is eligible for the bid preferences under this section only for~~
1.16 ~~eight years following the latest of:~~

1.17 ~~(1) May 1, 2012;~~

1.18 ~~(2) for a targeted group business, the date of initial certification by the commissioner of~~
1.19 ~~administration, as provided under section 16C.19;~~

1.20 ~~(3) for a veteran-owned small business, the date of initial certification by the United~~
1.21 ~~States Department of Veterans Affairs, as provided under section 16C.19, paragraph (d);~~

1.22 ~~or~~

~~(4) for a veteran-owned small business, the release or discharge of any one of the owners from military active service, as defined in section 190.05, subdivision 5, lasting for a period of 179 days or longer.~~

Sec. 2. Minnesota Statutes 2016, section 169.85, subdivision 1, is amended to read:

Subdivision 1. **Driver to stop for weighing.** (a) The driver of a vehicle that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic-control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales, signs giving notice of the operation must be posted within the highway right-of-way and adjacent to the roadway within two miles of the operation. The driver of a truck or combination of vehicles registered for or with a gross vehicle weight exceeding 10,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

(e) An officer may require the driver of a vehicle that has been stopped at a scale facility by a traffic-control signal as defined in section 169.011, subdivision 85, to submit the vehicle and load to weighing, an inspection, or both.

Sec. 3. Minnesota Statutes 2016, section 169.865, subdivision 3, is amended to read:

Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on paved streets and highways other than interstate highways;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, sections 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

(c) Notwithstanding paragraph (a), clause (4), a vehicle or combination of vehicles hauling fluid milk under a permit issued by the commissioner of transportation may also operate on interstate highways as provided under United States Code, title 23, section 127.

Sec. 4. Minnesota Statutes 2016, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of the speed limit.

(b) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than:

(1) ten miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2012, and before August 1, 2014; or

(2) five miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2014.

(c) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

4.1 Sec. 5. Minnesota Statutes 2016, section 174.03, subdivision 1a, is amended to read:

4.2 Subd. 1a. **Revision of statewide multimodal transportation plan.** (a) The commissioner
4.3 ~~shall~~ must revise the statewide multimodal transportation plan by January 15, ~~2013~~ 2022,
4.4 and by January 15 of every ~~four~~ five years thereafter. Before final adoption of a revised
4.5 plan, the commissioner ~~shall~~ must hold a hearing to receive public comment on the
4.6 preliminary draft of the revised plan.

4.7 (b) Each revised statewide multimodal transportation plan must:

4.8 (1) incorporate the goals of the state transportation system in section 174.01;

4.9 (2) establish objectives, policies, and strategies for achieving those goals; and

4.10 (3) identify performance targets for measuring progress and achievement of transportation
4.11 system goals, objectives, or policies.

4.12 Sec. 6. Minnesota Statutes 2016, section 174.03, subdivision 1c, is amended to read:

4.13 Subd. 1c. **Statewide highway 20-year capital investment plan.** ~~By January 15, 2013,~~
4.14 ~~and in conjunction with~~ Within one year of each ~~future~~ revision of the statewide multimodal
4.15 transportation plan under subdivision 1a, the commissioner ~~shall~~ must prepare a 20-year
4.16 statewide highway capital investment plan that:

4.17 (1) incorporates performance measures and targets for assessing progress and achievement
4.18 of the state's transportation goals, objectives, and policies identified in this chapter for the
4.19 state trunk highway system, and those goals, objectives, and policies established in the
4.20 statewide multimodal transportation plan. Performance targets must be based on objectively
4.21 verifiable measures, and address, at a minimum, preservation and maintenance of the
4.22 structural condition of state highway bridges and pavements, safety, and mobility;

4.23 (2) summarizes trends and impacts for each performance target over the past five years;

4.24 (3) summarizes the amount and analyzes the impact of the department's capital
4.25 investments and priorities over the past five years on each performance target, including a
4.26 comparison of prior plan projected costs with actual costs;

4.27 (4) identifies the investments required to meet the established performance targets over
4.28 the next 20-year period;

4.29 (5) projects available state and federal funding over the 20-year period, including any
4.30 unique, competitive, time-limited, or focused funding opportunities;

(6) identifies strategies to ensure the most efficient use of existing transportation infrastructure, and to maximize the performance benefits of projected available funding;

(7) establishes investment priorities for projected funding, including a schedule of major projects or improvement programs for the 20-year period together with projected costs and impact on performance targets; and

(8) identifies those performance targets identified under clause (1) not expected to meet the target outcome over the 20-year period together with alternative strategies that could be implemented to meet the targets.

Sec. 7. Minnesota Statutes 2016, section 219.20, subdivision 1, is amended to read:

Subdivision 1. **When installation required; procedure.** At each grade crossing not equipped with flashing lights or flashing lights and gates ~~where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for persons approaching the crossing to stop or yield before crossing the railroad tracks, stop signs or yield signs~~ the railway company must be installed install yield signs in addition to crossbuck signs. When the government entity responsible for a road that crosses a railroad track deems it necessary to install stop signs ~~or rather than~~ yield signs at that crossing, it shall petition the commissioner to order the installation of the stop signs ~~or yield signs~~. The commissioner shall respond to the petition by investigating the conditions at the crossing to determine whether stop signs ~~or yield signs~~ should be installed at the crossing instead of yield signs. On determining, after an investigation following a petition from a governmental agency or subdivision or on the commissioner's own motion, that stop signs ~~or yield signs~~ should be installed at a crossing, the commissioner shall designate the crossing as a stop crossing ~~or yield crossing~~ and shall notify the railway company operating the railroad at the crossing of this designation. Within 30 days after notification, the railway company shall erect the ~~uniform stop crossing signs or yield crossing signs~~ in accordance with the commissioner's order.

EFFECTIVE DATE. This section is effective the day following final enactment. Railway companies must install yield signs required under this section before December 31, 2019.

Sec. 8. Minnesota Statutes 2016, section 221.031, is amended by adding a subdivision to read:

Subd. 2e. Exemptions for pipeline welding trucks. A pipeline welding truck, as defined in Code of Federal Regulations, title 49, section 390.38, paragraph (b), including an individual

6.1 operating a pipeline welding truck and the employer of the individual, is exempt from any
6.2 requirement relating to:

6.3 (1) registration as a motor carrier, including the requirement to obtain and display a
6.4 United States Department of Transportation number under subdivision 6 and section 168.185;

6.5 (2) driver qualifications under section 221.0314, subdivision 2;

6.6 (3) driving of commercial motor vehicles under section 221.0314, subdivision 6;

6.7 (4) parts, accessories, and inspection, repair, and maintenance of commercial motor
6.8 vehicles under section 221.0314, subdivisions 7 and 10; and

6.9 (5) hours of service of drivers, including maximum driving and on-duty time under
6.10 section 221.0314, subdivision 9.