

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 35

(SENATE AUTHORS: DZIEDZIC, Tomassoni and Dibble)

DATE	D-PG	OFFICIAL STATUS
09/09/2013	14	Introduction and first reading Referred to Rules and Administration

1.1 A bill for an act
1.2 relating to transportation; amending provisions relating to municipal consent
1.3 for certain highway projects by requiring local public hearings; requiring
1.4 commissioner of transportation to increase public participation in decisions
1.5 concerning highway noise abatement; proposing coding for new law in
1.6 Minnesota Statutes, chapter 161.

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

1.8 Section 1. **[161.1635] SUBMISSION OF CORRIDOR PROPOSAL.**

1.9 Subdivision 1. Report required. (a) The commissioner shall submit to the
1.10 governing body of each municipality where a trunk highway or interstate highway is
1.11 proposed to be constructed or improved a report containing:

1.12 (1) a statement of the need for this proposed construction or improvement;
1.13 (2) a description of alternate routes that were considered by the commissioner; and
1.14 (3) an explanation of the advantages and disadvantages in the selection of any route
1.15 considered.

1.16 (b) The report shall also contain, for each alternative, the following information:

1.17 (1) general alignment and profile;
1.18 (2) approximate points of access;
1.19 (3) highway classification;
1.20 (4) an approximate cost estimate;
1.21 (5) relation to existing and planned regional and local development and to other
1.22 transportation routes and facilities; and

1.23 (6) a statement of the expected general effect on present and future use of the
1.24 property within the corridor.

2.1 (c) Where a state trunk highway or interstate highway is proposed to be constructed
2.2 or improved within the metropolitan area, a copy of the report shall also be submitted to
2.3 the Metropolitan Council.

2.4 Subd. 2. **Public hearings.** (a) Not less than 45 or more than 90 days after the report
2.5 has been submitted, the commissioner shall hold a public hearing on the proposed highway
2.6 construction or improvement at a time and place within any municipality where a portion of
2.7 the proposed construction or improvement is located, as the commissioner shall determine.

2.8 (b) Not less than 30 days before the hearing, the commissioner shall mail notice to
2.9 the governing body of each municipality or agency entitled to receive a copy of the report,
2.10 and shall cause notice of the hearing to be published at least once each week and for two
2.11 successive weeks in a newspaper having general circulation in such municipalities, the
2.12 second publication to be not less than five days before the date of the hearing. The notice
2.13 shall state the date, time, place, and purpose of the hearing, describe the proposed or actual
2.14 general location of the highway to be constructed or improved, and state where the report
2.15 may be inspected prior to the hearing by any interested person.

2.16 (c) The hearing shall be conducted by the commissioner or the commissioner's
2.17 designee, and shall be transcribed and a record mailed to each municipality or agency
2.18 entitled to receive a copy of the report. All interested persons shall be permitted to present
2.19 their views on the proposed highway construction or improvement. The hearing may be
2.20 continued as often as necessary.

2.21 Subd. 3. **Report; approval.** (a) Within 120 days after the hearing is completed, the
2.22 governing body of each municipality or agency entitled to receive a copy of the report
2.23 shall submit to the commissioner its approval or disapproval of the report. If all or any
2.24 part of the report is disapproved, the municipality or agency shall state the reasons for
2.25 disapproval and suggest changes to the report.

2.26 (b) The commissioner shall, before preparing additional plans for the proposed
2.27 highway construction or improvement, submit to the governing body of each municipality
2.28 or agency disapproving the report a statement accepting or rejecting any suggested
2.29 changes and the reasons for acceptance or rejection.

2.30 Sec. 2. **NOISE ABATEMENT.**

2.31 Subdivision 1. **Noise policy.** The commissioner of transportation, in consultation
2.32 with representatives of the Pollution Control Agency and representatives of neighborhood
2.33 groups, shall develop and implement amendments to the Department of Transportation
2.34 policies concerning noise abatement within or along the perimeter of freeways and
2.35 expressways in incorporated areas. The amendments must include measures to increase

3.1 local public input and participation in decision making concerning the selection and
3.2 implementation of noise abatement measures. The commissioner shall submit proposals
3.3 for legislation to ensure local participation in decisions related to noise abatement.

3.4 Subd. 2. **Report.** A report on the policies and recommendations developed under
3.5 subdivision 1 must be submitted to the chairs and ranking minority members of the house
3.6 of representatives and senate committees with jurisdiction over transportation policy
3.7 and finance by January 1, 2015.