

A bill for an act

relating to transportation; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; clarifying appropriate uses of trunk highway fund; increasing set-aside from municipal state-aid fund for administrative costs; depositing fees in vehicle services operating account; modifying fine and surcharge provisions relating to seat belt violations and providing for primary enforcement; authorizing use of design-build contracting for high-speed rail; allowing use of Metropolitan Council transit tax levy for transit operations; requiring study of extension of high-speed rail line; prohibiting transit fare increase and service cuts; establishing discount transit passes pilot program; authorizing Metropolitan Council to convey certain real property including the Apple Valley Transit Station; amending Minnesota Statutes 2008, sections 161.20, subdivision 3; 162.12, subdivision 2; 168.017, subdivision 5; 168.021, subdivision 4; 168.10, subdivision 1i; 168.29; 168.62, subdivision 3; 169.686, subdivisions 1, 2, by adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 174.03, subdivision 1b; 473.254, subdivision 5; 473.446, subdivision 1; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, sections 3, subdivision 2; 5; proposing coding for new law in Minnesota Statutes, chapter 174.

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

**ARTICLE 1**

**TRANSPORTATION APPROPRIATIONS**

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2010</u>	<u>2011</u>	<u>Total</u>
<u>General</u>	\$ <u>98,385,000</u> \$	<u>90,825,000</u> \$	<u>189,210,000</u>
<u>Airports</u>	<u>21,909,000</u>	<u>19,659,000</u>	<u>41,568,000</u>
<u>C.S.A.H.</u>	<u>496,786,000</u>	<u>524,478,000</u>	<u>1,021,264,000</u>

**S.F. No. 1276, 1st Engrossment - 86th Legislative Session (2009-2010) [s1276-1]**

2.1	<u>M.S.A.S.</u>	<u>134,003,000</u>	<u>141,400,000</u>	<u>275,403,000</u>
2.2	<u>Special Revenue</u>	<u>49,038,000</u>	<u>49,038,000</u>	<u>98,076,000</u>
2.3	<u>Highway User</u>	<u>9,538,000</u>	<u>9,838,000</u>	<u>19,376,000</u>
2.4	<u>Trunk Highway</u>	<u>1,263,803,000</u>	<u>1,371,695,000</u>	<u>2,635,498,000</u>
2.5	<b><u>Total</u></b>	<b><u>\$ 2,073,462,000</u></b>	<b><u>\$ 2,206,933,000</u></b>	<b><u>\$ 4,280,395,000</u></b>

2.6 **Sec. 2. TRANSPORTATION APPROPRIATIONS.**

2.7 The sums shown in the columns marked "Appropriations" are appropriated to the  
 2.8 agencies and for the purposes specified in this article. The appropriations are from the  
 2.9 general fund, or another named fund, and are available for the fiscal years indicated  
 2.10 for each purpose. The figures "2010" and "2011" used in this article mean that the  
 2.11 appropriations listed under them are available for the fiscal year ending June 30, 2010, or  
 2.12 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal  
 2.13 year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal  
 2.14 year ending June 30, 2009, are effective the day following final enactment.

2.15		<b><u>APPROPRIATIONS</u></b>
2.16		<b><u>Available for the Year</u></b>
2.17		<b><u>Ending June 30</u></b>
2.18		<b><u>2010</u></b> <b><u>2011</u></b>

2.19 **Sec. 3. TRANSPORTATION**

2.20 **Subdivision 1. Total Appropriation**                      **\$ 1,847,370,000**   **\$ 1,980,741,000**

2.21 The appropriations in this section are from  
 2.22 the trunk highway fund, except when another  
 2.23 fund is named.

2.24		<u>Appropriations by Fund</u>	
2.25		<u>2010</u>	<u>2011</u>
2.26	<u>General</u>	<u>17,787,000</u>	<u>10,227,000</u>
2.27	<u>Airports</u>	<u>21,859,000</u>	<u>19,609,000</u>
2.28	<u>C.S.A.H.</u>	<u>496,786,000</u>	<u>524,478,000</u>
2.29	<u>M.S.A.S.</u>	<u>134,003,000</u>	<u>141,400,000</u>
2.30	<u>Trunk Highway</u>	<u>1,176,935,000</u>	<u>1,285,027,000</u>

2.31 The amounts that may be spent for each  
 2.32 purpose are specified in the following  
 2.33 subdivisions.

2.34 **Subd. 2. Multimodal Systems**

2.35 **(a) Aeronautics**

3.1 **(1) Airport Development and Assistance** 16,548,000      14,298,000

3.2 This appropriation is from the state  
 3.3 airports fund and must be spent according  
 3.4 to Minnesota Statutes, section 360.305,  
 3.5 subdivision 4.

3.6 Notwithstanding Minnesota Statutes, section  
 3.7 16A.28, subdivision 6, this appropriation is  
 3.8 available for five years after appropriation.

3.9 If the appropriation for either year is  
 3.10 insufficient, the appropriation for the other  
 3.11 year is available for it.

3.12 **(2) Aviation Support and Services**

	<u>Appropriations by Fund</u>	
3.13		
3.14	<u>Airports</u>	<u>5,286,000</u> <u>5,286,000</u>
3.15	<u>Trunk Highway</u>	<u>837,000</u> <u>837,000</u>

3.16 \$65,000 the first year and \$65,000 the second  
 3.17 year from the state airports fund are for the  
 3.18 Civil Air Patrol.

3.19 **(b) Transit**

	<u>Appropriations by Fund</u>	
3.20		
3.21	<u>General</u>	<u>17,357,000</u> <u>9,797,000</u>
3.22	<u>Trunk Highway</u>	<u>775,000</u> <u>775,000</u>

3.23 The base appropriation from the general fund  
 3.24 for fiscal year 2012 is \$17,357,000.

3.25 Of these appropriations from the general  
 3.26 fund, \$19,300 in each year is for the  
 3.27 administrative expenses of the Minnesota  
 3.28 Council on Transportation Access, and for  
 3.29 other costs relating to the preparation of  
 3.30 required reports, including the costs of hiring  
 3.31 a consultant, if the council is created.

3.32 **(c) Freight**

4.1	<u>Appropriations by Fund</u>		
4.2	<u>General</u>	<u>365,000</u>	<u>365,000</u>
4.3	<u>Trunk Highway</u>	<u>4,897,000</u>	<u>4,897,000</u>

4.4 The commissioner of transportation shall  
 4.5 enter into an agreement to either forgive  
 4.6 any money due (approximately \$2,851,118)  
 4.7 on loan agreements 65572 and 67106 or  
 4.8 convert the loans to grants. The loans were  
 4.9 made to the Buffalo Ridge Regional Railroad  
 4.10 Authority, which was established by Rock  
 4.11 and Nobles Counties, to enable the counties  
 4.12 to purchase and rehabilitate 41.4 miles of rail  
 4.13 line providing transportation service to the  
 4.14 counties. The agreement must ensure that all  
 4.15 terms, provisions, and conditions of the loan  
 4.16 agreements are deemed to be fully satisfied  
 4.17 and performed on the part of the railroad  
 4.18 authority and counties. If the railroad  
 4.19 authority sells all or any part of the rail line  
 4.20 that has been rehabilitated with either of the  
 4.21 loans, the railroad authority must pay the  
 4.22 net proceeds to the commissioner, up to the  
 4.23 amount loaned.

4.24 Subd. 3. State Roads

4.25 (a) Infrastructure Investment and Planning

4.26	<u>(1) Infrastructure Investment Support</u>	<u>205,988,000</u>	<u>205,988,000</u>
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4.27 \$266,000 the first year and \$266,000 the  
 4.28 second year are available for grants to  
 4.29 metropolitan planning organizations outside  
 4.30 the seven-county metropolitan area.

4.31 \$75,000 the first year and \$75,000 the  
 4.32 second year are for a transportation research  
 4.33 contingent account to finance research  
 4.34 projects that are reimbursable from the

5.1 federal government or from other sources.  
5.2 If the appropriation for either year is  
5.3 insufficient, the appropriation for the other  
5.4 year is available for it.  
5.5 \$600,000 the first year and \$600,000  
5.6 the second year are available for grants  
5.7 for transportation studies outside the  
5.8 metropolitan area to identify critical  
5.9 concerns, problems, and issues. These grants  
5.10 are available (1) to regional development  
5.11 commissions and (2) in regions where  
5.12 no regional development commission  
5.13 is functioning, to joint powers boards  
5.14 established under agreement of two or  
5.15 more political subdivisions in the region to  
5.16 exercise the planning functions of a regional  
5.17 development commission, and (3) in regions  
5.18 where no regional development commission  
5.19 or joint powers board is functioning, to the  
5.20 department's district office for that region.

5.21 **(2) State Road Construction** 541,300,000 578,700,000

5.22 The base for this appropriation for fiscal year  
5.23 2012 is \$635,000,000.

5.24 It is estimated that these appropriations will  
5.25 be funded as follows:

<u>Appropriations by Fund</u>		
<u>Federal Highway</u>		
<u>Aid</u>	<u>301,100,000</u>	<u>388,500,000</u>
<u>Highway User Taxes</u>	<u>240,200,000</u>	<u>190,200,000</u>

5.30 The commissioner shall expend up to  
5.31 one-half of one percent of the federal  
5.32 appropriations under this paragraph as grants  
5.33 to opportunity industrialization centers and  
5.34 other nonprofit job training centers for

6.1 job training programs related to highway  
6.2 construction.

6.3 The commissioner of transportation shall  
6.4 notify the chair of the Transportation Budget  
6.5 Division of the senate and the chair of the  
6.6 Transportation Finance Division of the house  
6.7 of representatives of any significant events  
6.8 that should cause these estimates to change.

6.9 This appropriation is for the actual  
6.10 construction, reconstruction, and  
6.11 improvement of trunk highways, including  
6.12 design-build contracts and consultant usage  
6.13 to support these activities. This includes the  
6.14 cost of actual payment to landowners for  
6.15 lands acquired for highway rights-of-way,  
6.16 payment to lessees, interest subsidies, and  
6.17 relocation expenses.

6.18 The commissioner may transfer up to  
6.19 \$15,000,000 each year to the transportation  
6.20 revolving loan fund.

6.21 The commissioner may receive money  
6.22 covering other shares of the cost of  
6.23 partnership projects. These receipts are  
6.24 appropriated to the commissioner for these  
6.25 projects.

6.26 (3) Highway Debt Service 100,884,000 171,576,000

6.27 \$86,231,000 the first year and \$155,480,000  
6.28 the second year are for transfer to the state  
6.29 bond fund. If this appropriation is insufficient  
6.30 to make all transfers required in the year for  
6.31 which it is made, the commissioner of finance  
6.32 shall notify the Committee on Finance of  
6.33 the senate and the Committee on Ways and  
6.34 Means of the house of representatives of  
6.35 the amount of the deficiency and shall then

7.1 transfer that amount under the statutory open  
 7.2 appropriation. Any excess appropriation  
 7.3 cancel to the trunk highway fund.

7.4 **(b) Infrastructure Operations and Maintenance**                      254,895,000                      254,895,000

7.5 **(c) Electronic Communications**

7.6	<u>Appropriations by Fund</u>		
7.7	<u>General</u>	<u>9,000</u>	<u>9,000</u>
7.8	<u>Trunk Highway</u>	<u>5,168,000</u>	<u>5,168,000</u>

7.9 The general fund appropriation is to equip  
 7.10 and operate the Roosevelt signal tower for  
 7.11 Lake of the Woods weather broadcasting.

7.12 **Subd. 4. Local Roads**

7.13 **(a) County State Aids**    496,786,000                      524,478,000

7.14 This appropriation is from the county  
 7.15 state-aid highway fund and is available until  
 7.16 spent.

7.17 **(b) Municipal State Aids**    134,003,000                      141,400,000

7.18 This appropriation is from the municipal  
 7.19 state-aid street fund and is available until  
 7.20 spent.

7.21 If an appropriation for either county state  
 7.22 aids or municipal state aids does not exhaust  
 7.23 the balance in the fund from which it is  
 7.24 made in the year for which it is made, the  
 7.25 commissioner of finance, upon request of  
 7.26 the commissioner of transportation, shall  
 7.27 notify the chair of the Transportation Finance  
 7.28 Division of the house of representatives  
 7.29 and the chair of the Transportation Budget  
 7.30 Division of the senate of the amount of the  
 7.31 remainder and shall then add that amount  
 7.32 to the appropriation. The amount added is  
 7.33 appropriated for the purposes of county state  
 7.34 aids or municipal state aids, as appropriate.

8.1 If the appropriation for either county state  
8.2 aids or municipal state aids does exhaust  
8.3 the balance in the fund from which it is  
8.4 made in the year for which it is made, the  
8.5 commissioner of finance shall notify the chair  
8.6 of the Transportation Finance Division of the  
8.7 house of representatives and the chair of the  
8.8 Transportation Budget Division of the senate  
8.9 of the amount by which the appropriation  
8.10 exceeds the balance and shall then reduce  
8.11 that amount from the appropriation.

8.12 **Subd. 5. General Support and Services**

8.13 **(a) Department Support**

8.14 Appropriations by Fund

8.15 <u>Airports</u>	<u>25,000</u>	<u>25,000</u>
8.16 <u>Trunk Highway</u>	<u>44,407,000</u>	<u>44,407,000</u>

8.17 **(b) Buildings**

8.18 Appropriations by Fund

8.19 <u>General</u>	<u>56,000</u>	<u>56,000</u>
8.20 <u>Trunk Highway</u>	<u>17,784,000</u>	<u>17,784,000</u>

8.21 If the appropriation for either year is  
8.22 insufficient, the appropriation for the other  
8.23 year is available for it.

8.24 **Subd. 6. Transfers**

8.25 (a) With the approval of the commissioner of  
8.26 finance, the commissioner of transportation  
8.27 may transfer unencumbered balances among  
8.28 the appropriations from the trunk highway  
8.29 fund and the state airports fund made in this  
8.30 section. No transfer may be made from the  
8.31 appropriation for state road construction. No  
8.32 transfer may be made from the appropriations  
8.33 for debt service to any other appropriation.  
8.34 Transfers under this paragraph may not be

9.1 made between funds. Transfers between  
9.2 programs must be reported immediately  
9.3 to the chair of the Transportation Budget  
9.4 Division of the senate and the chair of the  
9.5 Transportation Finance Division of the house  
9.6 of representatives.

9.7 (b) The commissioner of finance shall  
9.8 transfer from the flexible account in the  
9.9 county state-aid highway fund \$8,440,000  
9.10 the first year and \$1,550,000 the second  
9.11 year to the municipal turnback account in  
9.12 the municipal state-aid street fund; and the  
9.13 remainder in each year to the county turnback  
9.14 account in the county state-aid highway fund.

9.15 **Subd. 7. Use of State Road Construction**  
9.16 **Appropriations**

9.17 Any money appropriated to the commissioner  
9.18 of transportation for state road construction  
9.19 for any fiscal year before fiscal year 2010 is  
9.20 available to the commissioner during fiscal  
9.21 years 2010 and 2011 to the extent that the  
9.22 commissioner spends the money on the  
9.23 state road construction project for which the  
9.24 money was originally encumbered during the  
9.25 fiscal year for which it was appropriated. The  
9.26 commissioner of transportation shall report  
9.27 to the commissioner of finance by August  
9.28 1, 2009, and August 1, 2010, on a form  
9.29 the commissioner of finance provides, on  
9.30 expenditures made during the previous fiscal  
9.31 year that are authorized by this subdivision.

9.32 **Subd. 8. Contingent Appropriation**

9.33 The commissioner of transportation, with  
9.34 the approval of the governor and the written  
9.35 approval of at least five members of a

10.1 group consisting of: (1) the members of the  
10.2 Legislative Advisory Commission under  
10.3 Minnesota Statutes, section 3.30; and (2) the  
10.4 ranking minority members of the house of  
10.5 representatives and senate committees with  
10.6 jurisdiction over transportation finance, may  
10.7 transfer all or part of the unappropriated  
10.8 balance in the trunk highway fund to an  
10.9 appropriation (1) for trunk highway design,  
10.10 construction, or inspection in order to  
10.11 take advantage of an unanticipated receipt  
10.12 of income to the trunk highway fund or  
10.13 to take advantage of federal advanced  
10.14 construction funding, (2) for trunk highway  
10.15 maintenance in order to meet an emergency,  
10.16 or (3) to pay tort or environmental claims.  
10.17 Nothing in this subdivision authorizes the  
10.18 commissioner to increase the use of federal  
10.19 advanced construction funding beyond  
10.20 amounts specifically authorized. Any  
10.21 transfer as a result of the use of federal  
10.22 advanced construction funding must include  
10.23 an analysis of the effects on the long-term  
10.24 trunk highway fund balance. The amount  
10.25 transferred is appropriated for the purpose of  
10.26 the account to which it is transferred.

10.27 **Subd. 9. Use of Trunk Highway Fund**

10.28 No transfer or expenditure of trunk highway  
10.29 funds may be made for the purpose of paying  
10.30 personnel costs incurred on behalf of the  
10.31 Governor's Office.

10.32 **Subd. 10. Disadvantaged Business Enterprise**  
10.33 **Program**

10.34 The commissioner shall, in utilizing these  
10.35 appropriations, comply in all respects



12.1 Subd. 2. Administration and Related Services

12.2 (a) Office of Communications

12.3	<u>Appropriations by Fund</u>		
12.4	<u>General</u>	<u>41,000</u>	<u>41,000</u>
12.5	<u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

12.6 (b) Public Safety Support

12.7	<u>Appropriations by Fund</u>		
12.8	<u>General</u>	<u>3,296,000</u>	<u>3,296,000</u>
12.9	<u>Trunk Highway</u>	<u>3,506,000</u>	<u>3,506,000</u>
12.10	<u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

12.11 \$380,000 the first year and \$380,000 the  
12.12 second year are for payment of public  
12.13 safety officer survivor benefits under  
12.14 Minnesota Statutes, section 299A.44. If the  
12.15 appropriation for either year is insufficient,  
12.16 the appropriation for the other year is  
12.17 available for it.

12.18 \$1,367,000 the first year and \$1,367,000  
12.19 the second year are to be deposited in the  
12.20 public safety officer's benefit account. This  
12.21 money is available for reimbursements under  
12.22 Minnesota Statutes, section 299A.465.

12.23 \$508,000 the first year and \$508,000  
12.24 the second year are for soft body armor  
12.25 reimbursements under Minnesota Statutes,  
12.26 section 299A.38.

12.27 \$792,000 the first year and \$792,000  
12.28 the second year are appropriated from the  
12.29 general fund for transfer by the commissioner  
12.30 of finance to the trunk highway fund on  
12.31 December 31, 2009, and December 31, 2010,  
12.32 respectively, in order to reimburse the trunk  
12.33 highway fund for expenses not related to the  
12.34 fund. These represent amounts appropriated

13.1 out of the trunk highway fund for general  
 13.2 fund purposes in the administration and  
 13.3 related services program.  
 13.4 \$610,000 the first year and \$610,000 the  
 13.5 second year are appropriated from the  
 13.6 highway user tax distribution fund for  
 13.7 transfer by the commissioner of finance to  
 13.8 the trunk highway fund on December 31,  
 13.9 2009, and December 31, 2010, respectively,  
 13.10 in order to reimburse the trunk highway  
 13.11 fund for expenses not related to the fund.  
 13.12 These represent amounts appropriated out  
 13.13 of the trunk highway fund for highway  
 13.14 user tax distribution fund purposes in the  
 13.15 administration and related services program.  
 13.16 \$716,000 the first year and \$716,000 the  
 13.17 second year are appropriated from the  
 13.18 highway user tax distribution fund for  
 13.19 transfer by the commissioner of finance to  
 13.20 the general fund on December 31, 2009, and  
 13.21 December 31, 2010, respectively, in order to  
 13.22 reimburse the general fund for expenses not  
 13.23 related to the fund. These represent amounts  
 13.24 appropriated out of the general fund for  
 13.25 operation of the criminal justice data network  
 13.26 related to driver and motor vehicle licensing.

13.27 **(c) Technical Support Services**

13.28	<u>Appropriations by Fund</u>		
13.29	<u>General</u>	<u>1,472,000</u>	<u>1,472,000</u>
13.30	<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
13.31	<u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

13.32 **Subd. 3. State Patrol**

13.33 **(a) Patrolling Highways**

13.34	<u>Appropriations by Fund</u>		
13.35	<u>General</u>	<u>37,000</u>	<u>37,000</u>

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14.1	<u>Trunk Highway</u>	<u>71,393,000</u>	<u>71,393,000</u>
14.2	<u>Highway User</u>	<u>92,000</u>	<u>92,000</u>
14.3	<b><u>(b) Commercial Vehicle Enforcement</u></b>	<u>7,996,000</u>	<u>7,796,000</u>
14.4	<u>This appropriation is from the trunk highway</u>		
14.5	<u>fund. \$800,000 the first year and \$600,000</u>		
14.6	<u>the second year are for the Office of Pupil</u>		
14.7	<u>Transportation Safety.</u>		
14.8	<b><u>(c) Capitol Security</u></b>	<u>3,113,000</u>	<u>3,113,000</u>
14.9	<u>The commissioner may not: (1) spend any</u>		
14.10	<u>money from the trunk highway fund for</u>		
14.11	<u>Capitol security; or (2) permanently transfer</u>		
14.12	<u>any state trooper from the patrolling of</u>		
14.13	<u>highway activity to Capitol security. The</u>		
14.14	<u>commissioner may not transfer any money:</u>		
14.15	<u>(1) appropriated for Department of Public</u>		
14.16	<u>Safety administration, the patrolling of</u>		
14.17	<u>highways, commercial vehicle enforcement,</u>		
14.18	<u>or driver and vehicle services to Capitol</u>		
14.19	<u>security; or (2) from Capitol security.</u>		
14.20	<b><u>Subd. 4. Driver and Vehicle Services</u></b>		
14.21	<b><u>(a) Vehicle Services</u></b>		
14.22	<u>Appropriations by Fund</u>		
14.23	<u>Highway User</u>	<u>7,936,000</u>	<u>8,236,000</u>
14.24	<u>Special Revenue</u>	<u>18,973,000</u>	<u>18,973,000</u>
14.25	<u>The special revenue fund appropriation is</u>		
14.26	<u>from the vehicle services operating account.</u>		
14.27	<b><u>(b) Driver Services</u></b>		
14.28	<u>Appropriations by Fund</u>		
14.29	<u>Special Revenue</u>	<u>28,711,000</u>	<u>28,711,000</u>
14.30	<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>
14.31	<u>The special revenue fund appropriation is</u>		
14.32	<u>from the driver services operating account.</u>		
14.33	<b><u>Subd. 5. Traffic Safety</u></b>	<u>435,000</u>	<u>435,000</u>

15.1 This appropriation is from the trunk highway  
 15.2 fund.

15.3 The commissioner of public safety shall  
 15.4 spend 50 percent of the money available  
 15.5 to the state under Public Law 105-206,  
 15.6 section 164, and the remaining 50 percent  
 15.7 must be transferred to the commissioner  
 15.8 of transportation for hazard elimination  
 15.9 activities under United States Code, title 23,  
 15.10 section 152.

15.11 Subd. 6. Pipeline Safety 1,354,000 1,354,000

15.12 This appropriation is from the pipeline safety  
 15.13 account in the special revenue fund.

15.14 Subd. 7. Use of Trunk Highway Fund

15.15 No transfer or expenditure of trunk highway  
 15.16 funds may be made for the purpose of paying  
 15.17 personnel costs incurred on behalf of the  
 15.18 Governor's Office.

15.19 Sec. 6. GENERAL CONTINGENT  
 15.20 ACCOUNTS \$ 375,000 \$ 375,000

<u>Appropriations by Fund</u>		
15.22 <u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
15.23 <u>Highway User</u>	<u>125,000</u>	<u>125,000</u>
15.24 <u>Airports</u>	<u>50,000</u>	<u>50,000</u>

15.25 The appropriations in this section may  
 15.26 only be spent with the approval of the  
 15.27 governor and the written approval of at least  
 15.28 five members of a group consisting of (1)  
 15.29 the members of the Legislative Advisory  
 15.30 Commission under Minnesota Statutes,  
 15.31 section 3.30, and (2) the ranking minority  
 15.32 members of the house of representatives and  
 15.33 senate committees with jurisdiction over  
 15.34 transportation finance.



17.1 amount of this appropriation shall revert to  
17.2 the state airports fund.

17.3 Notwithstanding Minnesota Statutes, section  
17.4 16A.28, subdivision 6, this appropriation is  
17.5 available for five years after appropriation.

17.6 If the appropriation for either year is  
17.7 insufficient, the appropriation for the other  
17.8 year is available for it.

17.9 **(2) Aviation Support and Services**

	Appropriations by Fund	
17.10		
17.11	Airports	5,184,000 5,286,000
17.12	Trunk Highway	852,000 866,000

17.13 \$65,000 the first year and \$65,000 the second  
17.14 year from the state airports fund are for the  
17.15 Civil Air Patrol.

17.16 **(b) Transit**

	Appropriations by Fund	
17.17		
17.18		<del>18,816,000</del>
17.19	General	18,813,000 <u>26,376,000</u>
17.20	Trunk Highway	740,000 761,000

17.21 Of the appropriation in fiscal year 2009,  
17.22 \$7,560,000 may be expended for financial  
17.23 assistance under Minnesota Statutes, section  
17.24 174.24, notwithstanding the payment  
17.25 schedule under Minnesota Statutes, section  
17.26 174.24, subdivision 5.

17.27 **(c) Freight**

	Appropriations by Fund	
17.28		
17.29	General	357,000 367,000
17.30	Trunk Highway	5,028,000 5,158,000

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

17.32 Sec. 9. Laws 2008, chapter 152, article 1, section 5, is amended to read:

17.33 Sec. 5. **APPROPRIATION; TRANSPORTATION EMERGENCY RELIEF.**

18.1 \$55,000,000 in fiscal year 2008 and ~~\$77,000,000~~ \$33,000,000 in fiscal year 2009  
18.2 are appropriated to the commissioner of transportation from the trunk highway fund for  
18.3 the purposes specified in the federal grants and aids related to the I-35W bridge collapse  
18.4 on marked Interstate Highway I-35W in Minneapolis. The appropriation in fiscal year  
18.5 2009 is available for other trunk highway construction projects. This appropriation is in  
18.6 addition to appropriations under Laws 2007, chapter 143, article 1, section 3, and Laws  
18.7 2007, First Special Session chapter 2, article 2, section 2.

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

18.9 Sec. 10. **METROPOLITAN LIVABLE COMMUNITIES FUND; TRANSFERS.**

18.10 Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, or any other law,  
18.11 the Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and  
18.12 2011 money that is not committed to grant or loan awards made by the council as follows:

18.13 (1) up to 50 percent of the revenues and amounts credited, transferred, or distributed  
18.14 to the tax base revitalization account in 2009, 2010, and 2011, pursuant to Minnesota  
18.15 Statutes, section 473.252;

18.16 (2) up to 50 percent of the revenues and amounts credited, transferred, or distributed  
18.17 to the metropolitan livable communities demonstration account in 2009, 2010, and 2011  
18.18 pursuant to Minnesota Statutes, section 473.253; and

18.19 (3) balances in the metropolitan livable communities fund accounts in 2009, 2010,  
18.20 and 2011.

18.21 The council shall use the amounts transferred to cover operating deficits for the  
18.22 transit, paratransit, and light rail and commuter rail services provided or assisted by the  
18.23 council under Minnesota Statutes, sections 473.371 to 473.449. If the council transfers  
18.24 funds pursuant to this section, the council shall amend the annual distribution plan  
18.25 described in Minnesota Statutes, section 473.25, paragraph (d), and include information  
18.26 about the transfer in the annual report required under Minnesota Statutes, section 473.25,  
18.27 paragraph (e).

18.28 Sec. 11. **RIGHT-OF-WAY LOAN ACQUISITION FUND; TRANSFERS.**

18.29 Notwithstanding Minnesota Statutes, section 473.167, or any other law, the  
18.30 Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and  
18.31 2011 up to 50 percent of the amounts levied and collected in 2009, 2010, and 2011  
18.32 under Minnesota Statutes, section 473.167, subdivision 3. The council shall use the  
18.33 amounts transferred to cover operating deficits for the transit, paratransit, and light rail

19.1 and commuter rail services provided or assisted by the council under Minnesota Statutes,  
19.2 sections 473.371 to 473.449.

19.3 Sec. 12. **TAX LEVY; METROPOLITAN TRANSIT OPERATIONS.**

19.4 Of the revenue collected by Metropolitan Council under Minnesota Statutes, section  
19.5 473.249, \$2,500,000 in fiscal year 2010 and \$2,500,000 in fiscal year 2011 must be used  
19.6 for metropolitan bus transit operations.

19.7 Sec. 13. **METROPOLITAN TRANSIT OPERATIONS DEFICIENCY.**

19.8 (a) The Metropolitan Council shall use the maximum feasible and allowable  
19.9 amount of federal funds available under the American Recovery and Reinvestment Act  
19.10 of 2009 for metropolitan transit preventive maintenance and capital cost of contracting,  
19.11 providing that this provision does not violate any guidelines of the American Recovery  
19.12 and Reinvestment Act of 2009.

19.13 (b) The Metropolitan Council shall seek to maximize administrative efficiencies in  
19.14 transit operations and apply any related monetary savings to bus transit operations in  
19.15 fiscal years 2010 and 2011.

19.16 (c) The Metropolitan Council shall use the maximum feasible amount of its reserve  
19.17 funds for bus transit operations in fiscal years 2010 and 2011.

19.18 (d) The Metropolitan Council shall equitably reduce assistance to other regional  
19.19 transit systems within the metropolitan area in an amount that reflects any decline in motor  
19.20 vehicle sales tax revenue deposited in the metropolitan area transit account.

19.21 **ARTICLE 2**

19.22 **TRUNK HIGHWAY BONDS**

19.23 Section 1. **HIGHWAY APPROPRIATION AND BOND SALE.**

19.24 Subdivision 1. **Appropriation.** \$20,000,000 is appropriated from the bond proceeds  
19.25 account in the trunk highway fund to the commissioner of transportation for construction  
19.26 of interchanges involving a trunk highway, where the interchange will promote economic  
19.27 development, increase employment, relieve growing traffic congestion, and promote traffic  
19.28 safety. The amount under this paragraph must be allocated 50 percent to the department's  
19.29 metropolitan district, and 50 percent to districts in greater Minnesota. This amount is in  
19.30 addition to existing appropriations for this purpose.

19.31 Subd. 2. **Bond sale.** To provide the money appropriated in subdivision 1 from the  
19.32 bond proceeds account in the trunk highway fund, the commissioner of finance shall sell

20.1 and issue bonds of the state in an amount up to \$20,000,000 in the manner, upon the terms,  
20.2 and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and  
20.3 by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts  
20.4 requested by the commissioner of transportation. The proceeds of the bonds, except  
20.5 accrued interest and any premium received from the sale of the bonds, must be deposited  
20.6 in the bond proceeds account in the trunk highway fund.

20.7 Sec. 2. **EFFECTIVE DATE.**

20.8 This article is effective the day following final enactment.

### 20.9 **ARTICLE 3**

#### 20.10 **TRANSPORTATION FINANCE**

20.11 Section 1. Minnesota Statutes 2008, section 161.20, subdivision 3, is amended to read:

20.12 Subd. 3. **Trunk highway fund appropriations.** The commissioner may expend  
20.13 trunk highway funds only for trunk highway purposes. Payment of expenses related  
20.14 to Bureau of Criminal Apprehension laboratory, Explore Minnesota Tourism kiosks,  
20.15 Minnesota Safety Council, tort claims, driver education programs, Emergency Medical  
20.16 Services Board, and Mississippi River Parkway Commission, and personnel costs incurred  
20.17 on behalf of the Governor's Office do not further a highway purpose and do not aid in the  
20.18 construction, improvement, or maintenance of the highway system.

20.19 Sec. 2. Minnesota Statutes 2008, section 162.12, subdivision 2, is amended to read:

20.20 Subd. 2. **Administrative costs.** A sum of ~~1+1/2~~ two percent shall be deducted from  
20.21 the total available in the municipal state-aid street fund, set aside in a separate account,  
20.22 and used for administration costs incurred by the state Transportation Department in  
20.23 carrying out the provisions relating to the municipal state-aid street system.

20.24 Sec. 3. Minnesota Statutes 2008, section 168.017, subdivision 5, is amended to read:

20.25 Subd. 5. **Registration period extension for leased vehicle.** (a) Notwithstanding  
20.26 subdivisions 3 and 4, a person leasing for at least one year a vehicle registered under  
20.27 this section may obtain an extension of the motor vehicle's registration period for the  
20.28 unexpired portion of the lease period, for a period not to exceed 11 months beyond the  
20.29 expiration of the registration period.

20.30 (b) In order to obtain an extension under this subdivision a lessee must

20.31 (1) apply to the registrar on a form the registrar prescribes;

20.32 (2) submit to the registrar a copy of the lease;

21.1 (3) pay an administrative fee of \$5; and

21.2 (4) pay a tax of 1/12 of the tax for the registration period being extended for each  
21.3 month of the extension.

21.4 (c) On an applicant's compliance with paragraph (b) the registrar shall issue the  
21.5 applicant a license plate tab or sticker designating the new month of expiration of the  
21.6 registration. The extended registration expires on the tenth day of the month following  
21.7 the month designated on the tab or sticker.

21.8 (d) All fees collected under paragraph (b), clause (3), must be deposited in the vehicle  
21.9 services operating account under section 299A.705, subdivision 1. Taxes collected under  
21.10 paragraph (b), clause (4), must be deposited in the highway user tax distribution fund.

21.11 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,  
21.12 for fees collected on or after that date.

21.13 Sec. 4. Minnesota Statutes 2008, section 168.021, subdivision 4, is amended to read:

21.14 Subd. 4. **Fees; disposition.** All fees collected from the sale of disability plates  
21.15 under this section must be deposited in the state treasury to the credit of the ~~highway~~  
21.16 ~~user tax distribution fund~~ vehicle services operating account under section 299A.705,  
21.17 subdivision 1.

21.18 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,  
21.19 for fees collected on or after that date.

21.20 Sec. 5. Minnesota Statutes 2008, section 168.10, subdivision 1i, is amended to read:

21.21 Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1,  
21.22 on payment of a transfer fee of \$5, plates issued under this section may be transferred to  
21.23 another vehicle owned or jointly owned by the person to whom the special plates were  
21.24 issued or the plate may be assigned to another owner. In addition to the transfer fee a new  
21.25 owner must pay the \$25 tax and any fee required by section 168.12, subdivision 2a. The  
21.26 \$5 fee must be paid into the state treasury and credited to the ~~highway user tax distribution~~  
21.27 ~~fund~~ vehicle services operating account under section 299A.705, subdivision 1. License  
21.28 plates issued under this section may not be transferred to a vehicle not eligible for the  
21.29 collector's vehicle license plates.

21.30 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,  
21.31 for fees collected on or after that date.

22.1 Sec. 6. Minnesota Statutes 2008, section 168.29, is amended to read:

22.2 **168.29 REPLACEMENT PLATES.**

22.3 (a) In the event of the defacement, loss or destruction of any number plates or  
22.4 validation stickers, the registrar, upon receiving and filing a sworn statement of the vehicle  
22.5 owner, setting forth the circumstances of the defacement, loss, destruction or theft of  
22.6 the number plates or validation stickers, together with any defaced plates or stickers  
22.7 and the payment of a fee calculated to cover the cost of replacement, shall issue a new  
22.8 set of plates or stickers.

22.9 (b) The registrar shall then note on the registrar's records the issue of new number  
22.10 plates and shall proceed in such manner as the registrar may deem advisable to cancel and  
22.11 call in the original plates so as to insure against their use on another motor vehicle.

22.12 (c) Duplicate registration certificates plainly marked as duplicates may be issued  
22.13 in like cases upon the payment of a \$1 fee. Fees collected under this section must be  
22.14 paid into the state treasury and credited to the ~~highway user tax distribution fund~~ vehicle  
22.15 services operating account under section 299A.705, subdivision 1.

22.16 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,  
22.17 for fees collected on or after that date.

22.18 Sec. 7. Minnesota Statutes 2008, section 168.62, subdivision 3, is amended to read:

22.19 Subd. 3. **Special plates or certificate; fee; proceeds to highway user fund.** At the  
22.20 same time that an owner or operator of intercity buses registers them in Minnesota and  
22.21 obtains number plates therefor, the owner or operator shall apply for special identification  
22.22 plates or certificates for the remainder of that fleet of intercity buses. The registrar of  
22.23 motor vehicles shall design an appropriate plate or identification certificate for this  
22.24 purpose which shall be issued upon the payment of a fee of \$10 covering each intercity  
22.25 bus so identified. The proceeds of such fees shall be deposited to the credit of the ~~highway~~  
22.26 ~~user tax distribution fund~~ vehicle services operating account under section 299A.705,  
22.27 subdivision 1. No intercity bus shall at any time be operated in the state of Minnesota  
22.28 without either Minnesota number plates or special identification plates or certificates  
22.29 issued as herein provided.

22.30 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,  
22.31 for fees collected on or after that date.

22.32 Sec. 8. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

**S.F. No. 1276, 1st Engrossment - 86th Legislative Session (2009-2010) [s1276-1]**

23.1 Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a  
23.2 properly adjusted and fastened seat belt, including both the shoulder and lap belt when the  
23.3 vehicle is so equipped, shall be worn by:

23.4 ~~(1) the driver and passengers of a passenger vehicle or, commercial motor vehicle,~~  
23.5 ~~commuter van, as defined in section 168.126, a type III school bus, a type III Head~~  
23.6 ~~Start bus, and a vehicle with a gross vehicle weight rating less than 10,000 pounds that~~  
23.7 ~~is a pickup truck or van;~~

23.8 ~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor~~  
23.9 ~~vehicle; and~~

23.10 ~~(3) a passenger riding in any seat of a passenger vehicle who is older than three~~  
23.11 ~~but younger than 11 years of age.~~

23.12 (b) Except as provided in section 169.685, a person who is 15 years of age or older  
23.13 and who violates paragraph (a), ~~clause (1) or (2),~~ is subject to a fine of \$25. The driver  
23.14 of the ~~passenger vehicle or commercial motor~~ vehicle in which the violation occurred is  
23.15 subject to a \$25 fine for a each violation of paragraph (a), ~~clause (2) or (3),~~ by the driver or  
23.16 by a ~~child of the driver~~ passenger under the age of 15 ~~or any child under the age of 11.~~  
23.17 ~~A peace officer may not issue a citation for a violation of this section unless the officer~~  
23.18 ~~lawfully stopped or detained the driver of the motor vehicle for a moving violation other~~  
23.19 ~~than a violation involving motor vehicle equipment, but the court may not impose more~~  
23.20 ~~than one surcharge under section 357.021, subdivision 6, on the driver. The Department of~~  
23.21 ~~Public Safety shall not record a violation of this subdivision on a person's driving record.~~

23.22 **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts  
23.23 committed on or after that date.

23.24 Sec. 9. Minnesota Statutes 2008, section 169.686, is amended by adding a subdivision  
23.25 to read:

23.26 **Subd. 1a. Definitions.** For the purposes of this section:

23.27 (a) "Pickup truck" means any truck regardless of manufacturer's nominal rated  
23.28 carrying capacity and commonly known as a pickup truck.

23.29 (b) "Van" means any vehicle of a box-like design with no barrier or separation  
23.30 between the operator's area and the remainder of the cargo-carrying area, or designed  
23.31 to carry 15 or fewer passengers, including the driver, regardless of the manufacturer's  
23.32 nominal rated carrying capacity.

23.33 **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts  
23.34 committed on or after that date.

**S.F. No. 1276, 1st Engrossment - 86th Legislative Session (2009-2010) [s1276-1]**

24.1 Sec. 10. Minnesota Statutes 2008, section 169.686, subdivision 2, is amended to read:

24.2 Subd. 2. **Seat belt exemptions.** This section shall not apply to:

24.3 (1) a person driving a passenger vehicle in reverse;

24.4 (2) a person riding in a ~~seat~~ vehicle in which all the seating positions equipped with  
24.5 safety belts are occupied by other persons in safety belts;

24.6 (3) a person who is in possession of a written certificate from a licensed physician  
24.7 verifying that because of medical unfitness or physical disability the person is unable  
24.8 to wear a seat belt;

24.9 (4) a person who is actually engaged in work that requires the person to alight from  
24.10 and reenter a motor vehicle at frequent intervals and who, while engaged in that work,  
24.11 does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

24.12 (5) a rural mail carrier of the United States Postal Service or a newspaper delivery  
24.13 person while in the performance of duties;

24.14 (6) a person driving or riding in a passenger vehicle manufactured before January 1,  
24.15 1965; and

24.16 (7) a person driving or riding in a pickup truck, as defined in section 168.002,  
24.17 subdivision 26, while engaged in normal farming work or activity.

24.18 **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts  
24.19 committed on or after that date.

24.20 Sec. 11. Minnesota Statutes 2008, section 171.05, subdivision 2b, is amended to read:

24.21 Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision  
24.22 applies to persons who have applied for and received an instruction permit under  
24.23 subdivision 2.

24.24 (b) The permit holder may, with the permit in possession, operate a motor vehicle,  
24.25 but must be accompanied by and be under the supervision of a certified driver education  
24.26 instructor, the permit holder's parent or guardian, or another licensed driver age 21 or  
24.27 older. The supervisor must occupy the seat beside the permit holder.

24.28 (c) ~~The permit holder may operate a motor vehicle only when every occupant under~~  
24.29 ~~the age of 18 has a seat belt or child passenger restraint system properly fastened. A~~  
24.30 ~~person who violates this paragraph is subject to a fine of \$25. A peace officer may~~  
24.31 ~~not issue a citation for a violation of this paragraph unless the officer lawfully stopped~~  
24.32 ~~or detained the driver of the motor vehicle for a moving violation as defined in section~~  
24.33 ~~171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on~~  
24.34 ~~a person's driving record.~~

25.1           ~~(d)~~ The permit holder may not operate a vehicle while communicating over, or  
25.2 otherwise operating, a cellular or wireless telephone, whether handheld or hands free,  
25.3 when the vehicle is in motion. The permit holder may assert as an affirmative defense that  
25.4 the violation was made for the sole purpose of obtaining emergency assistance to prevent  
25.5 a crime about to be committed, or in the reasonable belief that a person's life or safety  
25.6 was in danger. Violation of this paragraph is a petty misdemeanor subject to section  
25.7 169.89, subdivision 2.

25.8           ~~(e)~~(d) The permit holder must maintain a driving record free of convictions for  
25.9 moving violations, as defined in section 171.04, subdivision 1, and free of convictions  
25.10 for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If  
25.11 the permit holder drives a motor vehicle in violation of the law, the commissioner shall  
25.12 suspend, cancel, or revoke the permit in accordance with the statutory section violated.

25.13           **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts  
25.14 committed on or after that date.

25.15           Sec. 12. Minnesota Statutes 2008, section 171.055, subdivision 2, is amended to read:

25.16           Subd. 2. **Use of provisional license.** ~~(a) A provisional license holder may operate a~~  
25.17 ~~motor vehicle only when every occupant under the age of 18 has a seat belt or child~~  
25.18 ~~passenger restraint system properly fastened. A person who violates this paragraph is~~  
25.19 ~~subject to a fine of \$25. A peace officer may not issue a citation for a violation of this~~  
25.20 ~~paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle~~  
25.21 ~~for a moving violation as defined in section 171.04. The commissioner shall not record a~~  
25.22 ~~violation of this paragraph on a person's driving record.~~

25.23           ~~(b)~~ A provisional license holder may not operate a vehicle while communicating  
25.24 over, or otherwise operating, a cellular or wireless telephone, whether handheld or  
25.25 hands free, when the vehicle is in motion. The provisional license holder may assert  
25.26 as an affirmative defense that the violation was made for the sole purpose of obtaining  
25.27 emergency assistance to prevent a crime about to be committed, or in the reasonable  
25.28 belief that a person's life or safety was in danger. Violation of this paragraph is a petty  
25.29 misdemeanor subject to section 169.89, subdivision 2.

25.30           ~~(e)~~(b) If the holder of a provisional license during the period of provisional licensing  
25.31 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections  
25.32 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
25.33 than one conviction for a moving violation that is not crash related, the person may not be  
25.34 issued a driver's license until 12 consecutive months have expired since the date of the  
25.35 conviction or until the person reaches the age of 18 years, whichever occurs first.

26.1           ~~(d)~~ (c) For the first six months of provisional licensure, a provisional license holder  
26.2 may not operate a motor vehicle carrying more than one passenger under the age of 20  
26.3 years who is not a member of the holder's immediate family. For the second six months,  
26.4 the holder of the license may not operate a motor vehicle that is carrying more than three  
26.5 passengers who are under the age of 20 years and who are not members of the holder's  
26.6 immediate family. This paragraph does not apply if the provisional license holder is  
26.7 accompanied by a parent or guardian.

26.8           ~~(e)~~ (d) For the first six months of provisional licensure, a provisional license holder  
26.9 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when  
26.10 the license holder is:

- 26.11           (1) driving between the license holder's home and place of employment;
- 26.12           (2) driving between the license holder's home and a school event for which the  
26.13 school has not provided transportation;
- 26.14           (3) driving for employment purposes; or
- 26.15           (4) accompanied by a licensed driver at least 25 years of age.

26.16           **EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts  
26.17 committed on or after that date.

26.18           Sec. 13. Minnesota Statutes 2008, section 174.03, subdivision 1b, is amended to read:

26.19           Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner  
26.20 shall develop a comprehensive statewide freight and passenger rail plan to be included  
26.21 and revised as a part of the statewide transportation plan.

26.22           (b) The plan must include a study of an extension of the high-speed rail line  
26.23 connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse  
26.24 Multimodal Transit Hub in downtown St. Paul. The extension may connect the Union  
26.25 Depot Concourse Multimodal Transit Hub in downtown St. Paul with downtown  
26.26 Minneapolis. The analysis must consider previous rail studies providing passenger service  
26.27 in this corridor.

26.28           (c) Before the initial version of the plan is adopted, the commissioner shall provide a  
26.29 copy for review and comment to the chairs and ranking minority members of the senate  
26.30 and house of representatives committees with jurisdiction over transportation policy and  
26.31 finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision  
26.32 of the statewide transportation plan, scheduled to be completed in calendar year 2009,  
26.33 prior to completion of the initial version of the comprehensive statewide freight and  
26.34 passenger rail plan.

27.1 Sec. 14. [174.638] DESIGN-BUILD CONTRACTING.

27.2 The commissioner may utilize the design-build method of contracting, under  
27.3 sections 161.3410 to 161.3428, in connection with the planning, design, development,  
27.4 and construction of a high-speed passenger rail line connecting Chicago, La Crescent,  
27.5 Winona, Red Wing, and the Twin Cities.

27.6 Sec. 15. Minnesota Statutes 2008, section 473.254, subdivision 5, is amended to read:

27.7 Subd. 5. **Sources of funds.** (a) The council shall credit to the local housing  
27.8 incentives account any revenues derived from municipalities under subdivision 4,  
27.9 paragraph (b), clause (1).

27.10 (b) The council shall credit \$1,000,000 of the proceeds of solid waste bonds issued  
27.11 by the council under Minnesota Statutes, section 473.831, before its repeal, to the local  
27.12 housing incentives account in the metropolitan livable communities fund. In 1998 and each  
27.13 year thereafter through 2009, the council shall credit \$1,000,000 of the revenues generated  
27.14 by the levy authorized in section 473.249 to the local housing incentives account.

27.15 (c) In 1997, and each year thereafter through 2009, the council shall transfer  
27.16 \$500,000 from the livable communities demonstration account to the local housing  
27.17 incentives account. In 2010, and each year thereafter, the council shall transfer \$1,500,000  
27.18 from the livable communities demonstration account to the local housing incentives  
27.19 account.

27.20 Sec. 16. Minnesota Statutes 2008, section 473.446, subdivision 1, is amended to read:

27.21 Subdivision 1. **Metropolitan area transit tax.** (a) For purposes of sections 473.405  
27.22 to 473.449, and the metropolitan transit system, except as otherwise provided in this  
27.23 subdivision, the council may levy for taxes payable in 2010 through 2013 upon all taxable  
27.24 property within the metropolitan transit taxing district, defined in subdivision 2, a transit  
27.25 tax consisting of an amount that must be used for payment of the expenses of operating  
27.26 transit and paratransit service. The property tax levied by the council under this paragraph  
27.27 must not exceed the following amount for the years specified:

27.28 (1) for taxes payable in 2010, the council's property tax levy limitation for transit  
27.29 and paratransit purposes is equal to \$9,000,000;

27.30 (2) for taxes payable in 2011 through 2013, the product of: (i) the council's property  
27.31 tax levy limitation for transit and paratransit purposes for the previous year determined  
27.32 under this subdivision, multiplied by (ii) an index for market valuation changes equal to  
27.33 the total market valuation of all taxable property located within the metropolitan transit  
27.34 taxing district for the current taxes payable year divided by the total market valuation of

28.1 all taxable property located within the metropolitan transit taxing district for the previous  
28.2 taxes payable year.

28.3 (b) For the purposes of sections 473.405 to 473.449 and the metropolitan transit  
28.4 system, except as otherwise provided in this subdivision, the council shall levy each  
28.5 year upon all taxable property within the metropolitan area, defined in section 473.121,  
28.6 subdivision 2, a transit tax consisting of:

28.7 (1) an amount necessary to provide full and timely payment of certificates of  
28.8 indebtedness, bonds, including refunding bonds or other obligations issued or to be issued  
28.9 under section 473.39 by the council for purposes of acquisition and betterment of property  
28.10 and other improvements of a capital nature and to which the council has specifically  
28.11 pledged tax levies under this clause; ~~and~~

28.12 (2) an additional amount necessary to provide full and timely payment of certificates  
28.13 of indebtedness issued by the council, after consultation with the commissioner of finance,  
28.14 if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness  
28.15 is issued increase over those revenues in the previous fiscal year by a percentage less than  
28.16 the percentage increase for the same period in the revised Consumer Price Index for all  
28.17 urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United  
28.18 States Department of Labor; and

28.19 (3) an additional amount necessary to provide operating assistance for transit. Any  
28.20 amount levied under this clause (i) may not exceed the amount of unused obligation  
28.21 authority granted to the council in section 473.39, and (ii) reduces, by the amount levied  
28.22 for transit operating assistance, the amount of remaining available obligation authority.

28.23 ~~(b)~~ (c) Indebtedness to which property taxes have been pledged under paragraph  
28.24 ~~(a)~~ (b), clause (2), that is incurred in any fiscal year may not exceed the amount necessary  
28.25 to make up the difference between (1) the amount that the council received or expects to  
28.26 receive in that fiscal year from the metropolitan area transit fund and (2) the amount the  
28.27 council received from that fund in the previous fiscal year multiplied by the percentage  
28.28 increase for the same period in the revised Consumer Price Index for all urban consumers  
28.29 for the St. Paul-Minneapolis metropolitan area prepared by the United States Department  
28.30 of Labor.

28.31 **EFFECTIVE DATE.** Paragraph (a) is effective for taxes levied in 2009 through  
28.32 2012, payable in 2010 through 2013 only. Paragraph (b) is effective for taxes levied in  
28.33 2009 and 2010, payable in 2010 and 2011 only.

28.34 Sec. 17. Laws 2008, chapter 152, article 1, section 3, subdivision 2, is amended to read:

29.1 Subd. 2. **Multimodal Systems**

29.2 (a) **Transit** 0 1,700,000

29.3 This appropriation is from the general fund.

29.4 This is a onetime appropriation.

29.5 (b) **Rail** 0 250,000

29.6 This appropriation is from the general  
29.7 fund for a grant to the Northstar  
29.8 Corridor Development Authority to  
29.9 fund advanced preliminary engineering,  
29.10 updated environmental documentation,  
29.11 property appraisals, park and ride lots, and  
29.12 negotiations with the railroad to extend  
29.13 commuter rail service on the Burlington  
29.14 Northern Santa Fe rail line between Big Lake  
29.15 and Rice. This is a onetime appropriation  
29.16 and is available until spent.

29.17 (c) **Port Development Assistance** 0 500,000

29.18 This appropriation is from the general fund  
29.19 for grants under Minnesota Statutes, chapter  
29.20 457A. Any improvements made with the  
29.21 proceeds of these grants must be publicly  
29.22 owned. This is a onetime appropriation.

29.23 Sec. 18. **METROPOLITAN COUNCIL TRANSIT.**

29.24 (a) Before July 1, 2011, the Metropolitan Council may not increase fares for  
29.25 regular-route or metro mobility service over fares charged on December 1, 2008. The  
29.26 council may not eliminate or substantially reduce regular-route or metro mobility service  
29.27 that it provided as of December 1, 2008.

29.28 (b) Notwithstanding paragraph (a), the Metropolitan Council may, on or after July 1,  
29.29 2010, increase fares for regular-route or metro mobility service, or eliminate or reduce  
29.30 service, if the council: has levied the maximum allowable amount under Minnesota  
29.31 Statutes, section 473.446, subdivision 1; and projects an operating deficit for metropolitan  
29.32 transit for fiscal year 2011.

30.1 EFFECTIVE DATE. This section is effective the day following final enactment  
30.2 and expires on June 30, 2011.

30.3 Sec. 19. **BUS PURCHASES.**

30.4 The Metropolitan Council, in preparing bid specifications for bus purchases, shall  
30.5 ensure that the specifications conform, to the greatest extent practicable, with products  
30.6 that are manufactured in this state.

30.7 Sec. 20. **ST. CLOUD BRIDGE SITE.**

30.8 The commissioner of transportation shall ensure that the economic impact on  
30.9 existing area communities is evaluated and considered in analyzing potential alternative  
30.10 sites and selecting potential and preferred sites for a Mississippi River crossing near St.  
30.11 Cloud metropolitan area.

30.12 Sec. 21. **CONVEYANCE OF LAND AND BUILDINGS.**

30.13 Notwithstanding Minnesota Statutes, section 16A.695, subdivision 3, or any other  
30.14 law to the contrary, the Metropolitan Council shall convey the Apple Valley Transit  
30.15 Station and the real property on which it is situated, located in Dakota County, to the  
30.16 Minnesota Valley Transit Authority for nominal consideration, in order to carry out the  
30.17 governmental program and public purpose for which the Apple Valley Transit Station was  
30.18 constructed. Any subsequent conveyance of this property by the Minnesota Valley Transit  
30.19 Authority is subject to Minnesota Statutes, section 16A.695, subdivision 3.

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

30.21 Sec. 22. **DISCOUNT TRANSIT PASSES PILOT PROGRAM.**

30.22 (a) The Metropolitan Council shall establish a pilot program and policies to sell  
30.23 transit fare media at a 50 percent discount to eligible charitable organizations for use by  
30.24 homeless individuals. For the purposes of this section, "eligible charitable organization"  
30.25 means a charitable organization described in section 501(c)(3) of the Internal Revenue  
30.26 Code that provides services for homeless individuals, and "homeless individuals" means  
30.27 homeless individuals or persons as defined in Minnesota Statutes, section 116L.361,  
30.28 subdivision 5. There is no limit on the number of passes that an eligible charitable  
30.29 organization participating in the pilot program may purchase under this section. The pilot  
30.30 program shall be limited to no more than 20 charitable organizations and must include:  
30.31 (1) an organization located in Minneapolis that provides a homeless shelter, a homeless  
30.32 street outreach program, and sober housing to American Indian women recovering from

31.1 chemical dependency; and (2) an organization located in Minneapolis that provides  
31.2 transitional apartments for homeless families as well as walk-in services for single adults,  
31.3 including meals and a food shelf. The pilot program shall terminate March 15, 2010.

31.4 (b) By January 15, 2010, the chair of the Metropolitan Council shall prepare and  
31.5 submit a report to the chairs and ranking minority members of the senate and house of  
31.6 representatives committees having jurisdiction over transportation. The chair shall prepare  
31.7 and submit the report with existing agency staff and resources. The report must be made  
31.8 electronically and available in print only upon request. The report on the pilot program  
31.9 must include a list of sales made under this subdivision, including organization name and  
31.10 the volume of fare media purchased, and costs of providing the discounted service and  
31.11 revenue impacts in the council's transit system. The report must be prepared in consultation  
31.12 with representatives from the charitable organizations participating in the pilot program.

31.13 (c) Paragraphs (a) and (b) apply in the counties of Anoka, Carver, Dakota, Hennepin,  
31.14 Ramsey, Scott, and Washington.

31.15 **EFFECTIVE DATE.** This section is effective September 1, 2009.

31.16 Sec. 23. **ADJUSTMENT OF TRANSFER AND LEVY AUTHORITY.**

31.17 Subdivision 1. **Property tax levy adjustment.** If, based on the November 2009  
31.18 state budget forecast, motor vehicle sales tax revenues estimated to be available for  
31.19 metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed  
31.20 \$270,000,000 for the fiscal year 2010 and 2011 biennium, the levy amount authorized  
31.21 under section 16, paragraph (a), is reduced by the amount that the estimated motor vehicle  
31.22 sales tax biennial revenues exceed \$270,000,000, provided that the maximum levy amount  
31.23 cannot be less than zero.

31.24 Subd. 2. **Transfer authority adjustment.** If, based on the November 2009  
31.25 state budget forecast, motor vehicle sales tax revenues estimated to be available for  
31.26 metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed  
31.27 \$279,000,000 for the fiscal year 2010 and 2011 biennium, the maximum amount that may  
31.28 be transferred from the metropolitan livable communities fund accounts under article  
31.29 1, section 10, is reduced by an amount by which the estimated motor vehicle sales tax  
31.30 biennial revenues exceed \$279,000,000.

31.31 Sec. 24. **SEAT BELT.**

31.32 Sections 8 to 12 may be cited as the "Kathryn Swanson Seat Belt Safety Act."

31.33 Sec. 25. **APPLICATION.**

**S.F. No. 1276, 1st Engrossment - 86th Legislative Session (2009-2010) [s1276-1]**

- 32.1 Section 16 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
- 32.2 Scott, and Washington.

APPENDIX  
Article locations in s1276-1

ARTICLE 1	TRANSPORTATION APPROPRIATIONS .....	Page.Ln 1.23
ARTICLE 2	TRUNK HIGHWAY BONDS .....	Page.Ln 19.21
ARTICLE 3	TRANSPORTATION FINANCE .....	Page.Ln 20.9