

1.1 A bill for an act

1.2 relating to transportation; appropriating money for transportation, Metropolitan
1.3 Council, and public safety activities and programs; providing for fund transfers,
1.4 contingent appropriations, and tort claims; providing for various fees and
1.5 accounts; authorizing transfers for transit from metropolitan livable communities
1.6 fund accounts and right-of-way acquisition loan fund; clarifying appropriate
1.7 uses of trunk highway fund; increasing set-aside from municipal state-aid fund
1.8 for administrative costs; depositing fees in vehicle services operating account;
1.9 modifying fine and surcharge provisions relating to seat belt violations and
1.10 providing for primary enforcement; authorizing use of design-build contracting
1.11 for high-speed rail; authorizing Metropolitan Council to levy property tax for
1.12 transit and paratransit operations; allowing use of Metropolitan Council transit
1.13 tax levy for transit operations; requiring study of extension of high-speed rail
1.14 line; restricting imposition of transit fare increase and service cuts; establishing
1.15 discount transit passes pilot program; authorizing Metropolitan Council to convey
1.16 certain real property including the Apple Valley Transit Station; establishing
1.17 design-build pilot program; prohibiting imposition of certain seasonal load
1.18 restrictions; amending Minnesota Statutes 2008, sections 161.20, subdivision 3;
1.19 162.12, subdivision 2; 168.017, subdivision 5; 168.021, subdivision 4; 168.10,
1.20 subdivision 1i; 168.29; 168.62, subdivision 3; 169.686, subdivisions 1, 2, by
1.21 adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 174.03,
1.22 subdivision 1b; 473.254, subdivision 5; 473.446, subdivision 1; Laws 2007,
1.23 chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter
1.24 152, article 1, sections 3, subdivision 2; 5; proposing coding for new law in
1.25 Minnesota Statutes, chapter 174.

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

1.27 **ARTICLE 1**

1.28 **TRANSPORTATION APPROPRIATIONS**

1.29 Section 1. **SUMMARY OF APPROPRIATIONS.**

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

3.1 The amounts that may be spent for each
 3.2 purpose are specified in the following
 3.3 subdivisions.

3.4 Subd. 2. **Multimodal Systems**

3.5 (a) **Aeronautics**

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

3.7 This appropriation is from the state
 3.8 airports fund and must be spent according
 3.9 to Minnesota Statutes, section 360.305,
 3.10 subdivision 4.

3.11 Notwithstanding Minnesota Statutes, section
 3.12 16A.28, subdivision 6, this appropriation is
 3.13 available for five years after appropriation.

3.14 If the appropriation for either year is
 3.15 insufficient, the appropriation for the other
 3.16 year is available for it.

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

| | | | |
|------|-------------------------------|------------------|------------------|
| 3.18 | <u>Appropriations by Fund</u> | | |
| 3.19 | <u>Airports</u> | <u>5,286,000</u> | <u>5,286,000</u> |
| 3.20 | <u>Trunk Highway</u> | <u>837,000</u> | <u>837,000</u> |

3.21 \$65,000 the first year and \$65,000 the second
 3.22 year from the state airports fund are for the
 3.23 Civil Air Patrol.

3.24 (b) **Transit**

| | | | |
|------|-------------------------------|-------------------|------------------|
| 3.25 | <u>Appropriations by Fund</u> | | |
| 3.26 | <u>General</u> | <u>17,357,000</u> | <u>9,797,000</u> |
| 3.27 | <u>Trunk Highway</u> | <u>775,000</u> | <u>775,000</u> |

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

3.30 Of these appropriations from the general
 3.31 fund, \$19,300 in each year is for the
 3.32 administrative expenses of the Minnesota
 3.33 Council on Transportation Access, and for

4.1 other costs relating to the preparation of
 4.2 required reports, including the costs of hiring
 4.3 a consultant, if the council is created.

4.4 **(c) Freight**

| | <u>Appropriations by Fund</u> | |
|-----|-------------------------------|-----------------------------------|
| 4.5 | | |
| 4.6 | <u>General</u> | <u>365,000</u> <u>365,000</u> |
| 4.7 | <u>Trunk Highway</u> | <u>4,897,000</u> <u>4,897,000</u> |

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

4.28 **Subd. 3. State Roads**

4.29 **(a) Infrastructure Investment and Planning**

| | | | |
|------|-----------------------------------------------------|--------------------|--------------------|
| 4.30 | <u>(1) Infrastructure Investment Support</u> | <u>205,988,000</u> | <u>205,988,000</u> |
| 4.31 | <u>\$266,000 the first year and \$266,000 the</u> | | |
| 4.32 | <u>second year are available for grants to</u> | | |
| 4.33 | <u>metropolitan planning organizations outside</u> | | |
| 4.34 | <u>the seven-county metropolitan area.</u> | | |

5.1 \$75,000 the first year and \$75,000 the
5.2 second year are for a transportation research
5.3 contingent account to finance research
5.4 projects that are reimbursable from the
5.5 federal government or from other sources.

5.6 If the appropriation for either year is
5.7 insufficient, the appropriation for the other
5.8 year is available for it.

5.9 \$600,000 the first year and \$600,000
5.10 the second year are available for grants
5.11 for transportation studies outside the
5.12 metropolitan area to identify critical
5.13 concerns, problems, and issues. These grants
5.14 are available (1) to regional development
5.15 commissions and (2) in regions where
5.16 no regional development commission
5.17 is functioning, to joint powers boards
5.18 established under agreement of two or
5.19 more political subdivisions in the region to
5.20 exercise the planning functions of a regional
5.21 development commission, and (3) in regions
5.22 where no regional development commission
5.23 or joint powers board is functioning, to the
5.24 department's district office for that region.

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

5.26 The base for this appropriation for fiscal year
5.27 2012 is \$635,000,000.

5.28 It is estimated that these appropriations will
5.29 be funded as follows:

5.30 Appropriations by Fund
5.31 Federal Highway
5.32 Aid 301,100,000 388,500,000
5.33 Highway User Taxes 240,200,000 190,200,000

5.34 The commissioner shall expend up to
5.35 one-half of one percent of the federal

6.1 appropriations under this paragraph as grants
6.2 to opportunity industrialization centers and
6.3 other nonprofit job training centers for
6.4 job training programs related to highway
6.5 construction.

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

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

6.21 The commissioner may transfer up to
6.22 \$15,000,000 each year to the transportation
6.23 revolving loan fund.

6.24 The commissioner may receive money
6.25 covering other shares of the cost of
6.26 partnership projects. These receipts are
6.27 appropriated to the commissioner for these
6.28 projects.

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

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

7.1 the senate and the Committee on Ways and
 7.2 Means of the house of representatives of
 7.3 the amount of the deficiency and shall then
 7.4 transfer that amount under the statutory open
 7.5 appropriation. Any excess appropriation
 7.6 cancels to the trunk highway fund.

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

7.8 **(c) Electronic Communications**

| | | | |
|------|-------------------------------|------------------|------------------|
| 7.9 | <u>Appropriations by Fund</u> | | |
| 7.10 | <u>General</u> | <u>9,000</u> | <u>9,000</u> |
| 7.11 | <u>Trunk Highway</u> | <u>5,168,000</u> | <u>5,168,000</u> |

7.12 The general fund appropriation is to equip
 7.13 and operate the Roosevelt signal tower for
 7.14 Lake of the Woods weather broadcasting.

7.15 **Subd. 4. Local Roads**

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

7.17 This appropriation is from the county
 7.18 state-aid highway fund and is available until
 7.19 spent.

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

7.21 This appropriation is from the municipal
 7.22 state-aid street fund and is available until
 7.23 spent.

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

8.1 to the appropriation. The amount added is
8.2 appropriated for the purposes of county state
8.3 aids or municipal state aids, as appropriate.

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

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

8.16 **(a) Department Support**

8.17 Appropriations by Fund

| | | |
|---------------------------|-------------------|-------------------|
| 8.18 <u>Airports</u> | <u>25,000</u> | <u>25,000</u> |
| 8.19 <u>Trunk Highway</u> | <u>44,407,000</u> | <u>44,407,000</u> |

8.20 **(b) Buildings**

8.21 Appropriations by Fund

| | | |
|---------------------------|-------------------|-------------------|
| 8.22 <u>General</u> | <u>56,000</u> | <u>56,000</u> |
| 8.23 <u>Trunk Highway</u> | <u>17,784,000</u> | <u>17,784,000</u> |

8.24 If the appropriation for either year is
8.25 insufficient, the appropriation for the other
8.26 year is available for it.

8.27 **Subd. 6. Transfers**

8.28 (a) With the approval of the commissioner of
8.29 finance, the commissioner of transportation
8.30 may transfer unencumbered balances among
8.31 the appropriations from the trunk highway
8.32 fund and the state airports fund made in this
8.33 section. No transfer may be made from the
8.34 appropriation for state road construction. No

9.1 transfer may be made from the appropriations
9.2 for debt service to any other appropriation.
9.3 Transfers under this paragraph may not be
9.4 made between funds. Transfers between
9.5 programs must be reported immediately
9.6 to the chair of the Transportation Budget
9.7 Division of the senate and the chair of the
9.8 Transportation Finance Division of the house
9.9 of representatives.

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

9.18 **Subd. 7. Use of State Road Construction**
9.19 **Appropriations**

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

9.35 **Subd. 8. Contingent Appropriation**

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

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

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

10.35 **Subd. 10. Disadvantaged Business Enterprise**
10.36 **Program**

12.1 The amounts that may be spent for each
12.2 purpose are specified in the following
12.3 subdivisions.

12.4 **Subd. 2. Administration and Related Services**

12.5 **(a) Office of Communications**

| | <u>Appropriations by Fund</u> | |
|------|-------------------------------|-------------------------------|
| 12.6 | | |
| 12.7 | <u>General</u> | <u>41,000</u> <u>41,000</u> |
| 12.8 | <u>Trunk Highway</u> | <u>393,000</u> <u>393,000</u> |

12.9 **(b) Public Safety Support**

| | <u>Appropriations by Fund</u> | |
|-------|-------------------------------|-----------------------------------|
| 12.10 | | |
| 12.11 | <u>General</u> | <u>3,296,000</u> <u>3,296,000</u> |
| 12.12 | <u>Trunk Highway</u> | <u>3,506,000</u> <u>3,506,000</u> |
| 12.13 | <u>Highway User</u> | <u>1,366,000</u> <u>1,366,000</u> |

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

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

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

12.30 \$792,000 the first year and \$792,000
12.31 the second year are appropriated from the
12.32 general fund for transfer by the commissioner
12.33 of finance to the trunk highway fund on
12.34 December 31, 2009, and December 31, 2010,

13.1 respectively, in order to reimburse the trunk
13.2 highway fund for expenses not related to the
13.3 fund. These represent amounts appropriated
13.4 out of the trunk highway fund for general
13.5 fund purposes in the administration and
13.6 related services program.

13.7 \$610,000 the first year and \$610,000 the
13.8 second year are appropriated from the
13.9 highway user tax distribution fund for
13.10 transfer by the commissioner of finance to
13.11 the trunk highway fund on December 31,
13.12 2009, and December 31, 2010, respectively,
13.13 in order to reimburse the trunk highway
13.14 fund for expenses not related to the fund.

13.15 These represent amounts appropriated out
13.16 of the trunk highway fund for highway
13.17 user tax distribution fund purposes in the
13.18 administration and related services program.

13.19 \$716,000 the first year and \$716,000 the
13.20 second year are appropriated from the
13.21 highway user tax distribution fund for
13.22 transfer by the commissioner of finance to
13.23 the general fund on December 31, 2009, and
13.24 December 31, 2010, respectively, in order to
13.25 reimburse the general fund for expenses not
13.26 related to the fund. These represent amounts
13.27 appropriated out of the general fund for
13.28 operation of the criminal justice data network
13.29 related to driver and motor vehicle licensing.

13.30 **(c) Technical Support Services**

| | <u>Appropriations by Fund</u> | |
|-------|-------------------------------|-----------------------------------|
| 13.31 | | |
| 13.32 | <u>General</u> | <u>1,472,000</u> <u>1,472,000</u> |
| 13.33 | <u>Trunk Highway</u> | <u>2,344,000</u> <u>2,344,000</u> |
| 13.34 | <u>Highway User</u> | <u>19,000</u> <u>19,000</u> |

13.35 **Subd. 3. State Patrol**

14.1 **(a) Patrolling Highways**

| | | | |
|------|-------------------------------|-------------------|-------------------|
| 14.2 | <u>Appropriations by Fund</u> | | |
| 14.3 | <u>General</u> | <u>37,000</u> | <u>37,000</u> |
| 14.4 | <u>Trunk Highway</u> | <u>71,393,000</u> | <u>71,393,000</u> |
| 14.5 | <u>Highway User</u> | <u>92,000</u> | <u>92,000</u> |

14.6 **(b) Commercial Vehicle Enforcement** 7,996,000 7,796,000

14.7 This appropriation is from the trunk highway
 14.8 fund. \$800,000 the first year and \$600,000
 14.9 the second year are for the Office of Pupil
 14.10 Transportation Safety.

14.11 **(c) Capitol Security** 3,113,000 3,113,000

14.12 The commissioner may not: (1) spend any
 14.13 money from the trunk highway fund for
 14.14 Capitol security; or (2) permanently transfer
 14.15 any state trooper from the patrolling of
 14.16 highway activity to Capitol security. The
 14.17 commissioner may not transfer any money:
 14.18 (1) appropriated for Department of Public
 14.19 Safety administration, the patrolling of
 14.20 highways, commercial vehicle enforcement,
 14.21 or driver and vehicle services to Capitol
 14.22 security; or (2) from Capitol security.

14.23 **Subd. 4. Driver and Vehicle Services**

14.24 **(a) Vehicle Services**

| | | | |
|-------|-------------------------------|-------------------|-------------------|
| 14.25 | <u>Appropriations by Fund</u> | | |
| 14.26 | <u>Highway User</u> | <u>7,936,000</u> | <u>8,236,000</u> |
| 14.27 | <u>Special Revenue</u> | <u>18,973,000</u> | <u>18,973,000</u> |

14.28 The special revenue fund appropriation is
 14.29 from the vehicle services operating account.

14.30 **(b) Driver Services**

| | | | |
|-------|-------------------------------|-------------------|-------------------|
| 14.31 | <u>Appropriations by Fund</u> | | |
| 14.32 | <u>Special Revenue</u> | <u>28,711,000</u> | <u>28,711,000</u> |
| 14.33 | <u>Trunk Highway</u> | <u>1,000</u> | <u>1,000</u> |

15.1 The special revenue fund appropriation is
 15.2 from the driver services operating account.

15.3 Subd. 5. Traffic Safety 435,000 435,000

15.4 This appropriation is from the trunk highway
 15.5 fund.

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

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

15.15 This appropriation is from the pipeline safety
 15.16 account in the special revenue fund.

15.17 Subd. 7. Use of Trunk Highway Fund

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

15.22 Sec. 6. GENERAL CONTINGENT
 15.23 ACCOUNTS \$ 375,000 \$ 375,000

| | <u>Appropriations by Fund</u> | |
|-------|-------------------------------------|----------------|
| 15.24 | | |
| 15.25 | <u>Trunk Highway</u> <u>200,000</u> | <u>200,000</u> |
| 15.26 | <u>Highway User</u> <u>125,000</u> | <u>125,000</u> |
| 15.27 | <u>Airports</u> <u>50,000</u> | <u>50,000</u> |

15.28 The appropriations in this section may
 15.29 only be spent with the approval of the
 15.30 governor and the written approval of at least
 15.31 five members of a group consisting of (1)
 15.32 the members of the Legislative Advisory
 15.33 Commission under Minnesota Statutes,
 15.34 section 3.30, and (2) the ranking minority

17.1 of the task force report, including the costs of
 17.2 hiring a consultant, if needed. Any remaining
 17.3 amount of this appropriation shall revert to
 17.4 the state airports fund.

17.5 Notwithstanding Minnesota Statutes, section
 17.6 16A.28, subdivision 6, this appropriation is
 17.7 available for five years after appropriation.

17.8 If the appropriation for either year is
 17.9 insufficient, the appropriation for the other
 17.10 year is available for it.

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

| | | | |
|-------|------------------------|-----------|-----------|
| 17.12 | Appropriations by Fund | | |
| 17.13 | Airports | 5,184,000 | 5,286,000 |
| 17.14 | Trunk Highway | 852,000 | 866,000 |

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

17.18 **(b) Transit**

| | | | |
|-------|------------------------|------------|-----------------------|
| 17.19 | Appropriations by Fund | | |
| 17.20 | | | 18,816,000 |
| 17.21 | General | 18,813,000 | <u>26,376,000</u> |
| 17.22 | Trunk Highway | 740,000 | 761,000 |

17.23 Of the appropriation in fiscal year 2009,
 17.24 \$7,560,000 may be expended for financial
 17.25 assistance under Minnesota Statutes, section
 17.26 174.24, notwithstanding the payment
 17.27 schedule under Minnesota Statutes, section
 17.28 174.24, subdivision 5.

17.29 **(c) Freight**

| | | | |
|-------|------------------------|-----------|-----------|
| 17.30 | Appropriations by Fund | | |
| 17.31 | General | 357,000 | 367,000 |
| 17.32 | Trunk Highway | 5,028,000 | 5,158,000 |

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

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

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

18.3 \$55,000,000 in fiscal year 2008 and ~~\$77,000,000~~ \$33,000,000 in fiscal year 2009
18.4 are appropriated to the commissioner of transportation from the trunk highway fund for
18.5 the purposes specified in the federal grants and aids related to the I-35W bridge collapse
18.6 on marked Interstate Highway I-35W in Minneapolis. The appropriation in fiscal year
18.7 2009 is available for other trunk highway construction projects. This appropriation is in
18.8 addition to appropriations under Laws 2007, chapter 143, article 1, section 3, and Laws
18.9 2007, First Special Session chapter 2, article 2, section 2.

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

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

18.12 Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, or any other law,
18.13 the Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and
18.14 2011 money that is not committed to grant or loan awards made by the council as follows:

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

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

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

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

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

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

19.1 amounts transferred to cover operating deficits for the transit, paratransit, and light rail
19.2 and commuter rail services provided or assisted by the council under Minnesota Statutes,
19.3 sections 473.371 to 473.449.

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

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

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

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

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

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

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

19.22 **ARTICLE 2**

19.23 **TRUNK HIGHWAY BONDS**

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

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

- 21.1 (1) apply to the registrar on a form the registrar prescribes;
21.2 (2) submit to the registrar a copy of the lease;
21.3 (3) pay an administrative fee of \$5; and
21.4 (4) pay a tax of 1/12 of the tax for the registration period being extended for each
21.5 month of the extension.

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

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

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

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

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

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

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

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

21.32 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2005,
21.33 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:

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, 2nd Engrossment - 86th Legislative Session (2009-2010) [s1276-2]

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. **DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

31.32 The commissioner of transportation shall conduct a design-build contracting pilot
31.33 program to select local transportation projects for participation in the program, to conduct
31.34 information sessions for engineers and contractors, to support and evaluate the use of the

32.1 design-build method of contracting by counties and statutory and home rule charter cities
32.2 in constructing, improving, and maintaining streets and highways on the state-aid system,
32.3 and to report to the legislature.

32.4 **EFFECTIVE DATE.** This section is effective the day following final enactment
32.5 and expires on October 1, 2012, or upon completion of nine design-build projects under
32.6 this pilot program, whichever occurs first.

32.7 Sec. 25. **DESIGN-BUILD PROJECT SELECTION COUNCIL.**

32.8 Subdivision 1. **Establishment of council.** A Design-Build Project Selection
32.9 Council is established to select, evaluate, and support county and municipal transportation
32.10 projects on the state-aid system that are conducive to use of the design-build method of
32.11 contracting and to report to the legislature.

32.12 Subd. 2. **Duties of council.** In order to accomplish these purposes, the council shall:

32.13 (1) review applications for participation received by the commissioner from counties
32.14 and cities;

32.15 (2) select for participation in the pilot program a maximum of 15 projects on the
32.16 state-aid system, no more than ten of which may be on the county state-aid highway
32.17 system, and no more than ten of which may be on the municipal state-aid street system;

32.18 (3) determine that the use of design-build in the selected projects would serve the
32.19 public interest, after considering, at a minimum:

32.20 (i) the extent to which the municipality can adequately define the project
32.21 requirements in a proposed scope of the design and construction desired;

32.22 (ii) the time constraints for delivery of the project;

32.23 (iii) the capability of potential contractors with the design-build method of project
32.24 delivery;

32.25 (iv) the suitability of the project for use of the design-build method of project
32.26 delivery with respect to time, schedule, costs, and quality factors;

32.27 (v) the capability of the municipality to manage the project, including the
32.28 employment of experienced personnel or outside consultants; and

32.29 (vi) the original character of the product or the services;

32.30 (4) periodically review and evaluate the use of design-build in the selected projects;

32.31 and

32.32 (5) assist the commissioner in preparing a report to the legislature at the conclusion
32.33 of the pilot program.

32.34 Subd. 3. **Membership.** (a) The council is composed of the following members:

33.1 (1) two contractors, at least one of whom represents a small contracting firm,
33.2 selected by the Associated General Contractors, Minnesota chapter;

33.3 (2) two project designers selected by the American Council of Engineering
33.4 Companies, Minnesota chapter;

33.5 (3) one representative of a metropolitan area county selected by the Association
33.6 of Minnesota Counties;

33.7 (4) one representative of a greater Minnesota county selected by the Association
33.8 of Minnesota Counties;

33.9 (5) one representative of a metropolitan area city selected by the League of
33.10 Minnesota Cities;

33.11 (6) one representative of a greater Minnesota city selected by the League of
33.12 Minnesota Cities; and

33.13 (7) the commissioner of transportation or a designee from the Minnesota Department
33.14 of Transportation Division of State Aid for Local Transportation.

33.15 (b) All appointments required by paragraph (a) must be completed by August
33.16 1, 2009.

33.17 (c) The commissioner or the commissioner's designee shall convene the first meeting
33.18 of the council within two weeks after the members have been appointed to the council and
33.19 shall serve as chair of the council.

33.20 **EFFECTIVE DATE.** This section is effective the day following final enactment
33.21 and expires on October 1, 2012, or upon completion of nine design-build projects under
33.22 this pilot program, whichever occurs first.

33.23 **Sec. 26. DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

33.24 Subdivision 1. **Definitions.** The following terms have the meanings given:

33.25 (1) "commissioner" means the commissioner of transportation;

33.26 (2) "municipality" means a county or statutory or home rule charter city;

33.27 (3) "design-build contract" means a single contract between a municipality and a
33.28 design-build company or firm to furnish the architectural or engineering and related design
33.29 services as well as the labor, material, supplies, equipment, and construction services for
33.30 the transportation project;

33.31 (4) "design-build firm" means a proprietorship, partnership, limited liability
33.32 partnership, joint venture, corporation, any type of limited liability company, professional
33.33 corporation, or any legal entity;

33.34 (5) "design professional" means a person who holds a license under Minnesota
33.35 Statutes, chapter 326B, that is required to be registered under Minnesota law;

34.1 (6) "design-build transportation project" means the procurement of both the design
34.2 and construction of a transportation project in a single contract with a company or
34.3 companies capable of providing the necessary engineering services and construction;

34.4 (7) "design-builder" means the design-build firm that proposes to design and build a
34.5 transportation project governed by the procedures of this section;

34.6 (8) "request for proposals" or "RFP" means the document by which the municipality
34.7 solicits proposals from qualified design-build firms to design and construct the
34.8 transportation project;

34.9 (9) "request for qualifications" or "RFQ" means a document to qualify potential
34.10 design-build firms; and

34.11 (10) "responsive proposal" means a technical proposal of which no major component
34.12 contradicts the goals of the project, significantly violates an RFP requirement, or places
34.13 conditions on a proposal.

34.14 Subd. 2. **Licensing requirements.** (a) Each design-builder shall employ, or have
34.15 as a partner, member, officer, coventurer, or subcontractor, a person duly licensed and
34.16 registered to provide the design services required to complete the project and do business
34.17 in the state.

34.18 (b) A design-builder may enter into a contract to provide professional or construction
34.19 services for a project that the design-builder is not licensed, registered, or qualified to
34.20 perform, so long as the design-builder provides those services through subcontractors with
34.21 duly licensed, registered, or otherwise qualified individuals in accordance with Minnesota
34.22 Statutes, sections 161.3410 to 161.3428.

34.23 (c) Nothing in this section authorizing design-build contracts is intended to limit or
34.24 eliminate the responsibility or liability owed by a professional on a design-build project to
34.25 the state, municipality, or other third party under existing law.

34.26 (d) The design service portion of a design-build contract must be considered a
34.27 service and not a product.

34.28 Subd. 3. **Information session for municipal engineer.** After a project is selected
34.29 for participation in the design-build contracting pilot program, the commissioner or the
34.30 commissioner's designee with design-build experience shall conduct an information
34.31 session for the municipality's engineer for each selected project, in which issues unique
34.32 to design-build must be discussed, including, but not limited to, writing an RFP, project
34.33 oversight requirements, assessing risk, and communication with the design-build firm.
34.34 After participation in the information session, the municipality's engineer is qualified to
34.35 post the selected project, along with any future design-build project RFP in the pilot
34.36 program.

35.1 Subd. 4. **Technical Review Committee.** During the phase one RFQ and before
35.2 solicitation, the municipality shall appoint a Technical Review Committee of at least
35.3 five individuals. The Technical Review Committee must include an individual whose
35.4 name and qualifications are submitted to the municipality by the Minnesota chapter of
35.5 the Associated General Contractors, after consultation with other commercial contractor
35.6 associations in the state. Members of the Technical Review Committee who are not state
35.7 employees are subject to the Minnesota Government Data Practices Act and Minnesota
35.8 Statutes, section 16C.06, to the same extent that state agencies are subject to those
35.9 provisions. A Technical Review Committee member may not participate in the review or
35.10 discussion of responses to the RFQ or RFP when a design-build firm in which the member
35.11 has a financial interest has responded to the RFQ or RFP. "Financial interest" includes,
35.12 but is not limited to, being or serving as an owner, employee, partner, limited liability
35.13 partner, shareholder, joint venturer, family member, officer, or director of a design-build
35.14 firm responding to an RFQ or RFP for a specific project, or having any other economic
35.15 interest in that design-build firm. The members of the Technical Review Committee must
35.16 be treated as municipal employees in the event of litigation resulting from any action
35.17 arising out of their service on the committee.

35.18 Subd. 5. **Phase one; design-build RFQ.** The municipality shall prepare an RFQ,
35.19 which must include the following:

35.20 (1) the minimum qualifications of design-builders necessary to meet the requirements
35.21 for acceptance;

35.22 (2) a scope of work statement and schedule;

35.23 (3) documents defining the project requirements;

35.24 (4) the form of contract to be awarded;

35.25 (5) the weighted selection criteria for compiling a short list and the number of firms
35.26 to be included in the short list, which must be at least two but not more than five;

35.27 (6) a description of the request for proposals (RFP) requirements;

35.28 (7) the maximum time allowed for design and construction;

35.29 (8) the municipality's estimated cost of design and construction;

35.30 (9) requirements for construction experience, design experience, financial, personnel,
35.31 and equipment resources available from potential design-builders for the project and
35.32 experience in other design-build transportation projects or similar projects, provided that
35.33 these requirements may not unduly restrict competition; and

35.34 (10) a statement that "past performance" or "experience" or other criteria used in the
35.35 RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

36.1 Subd. 6. **Information session for prospective design-build firms.** After a
36.2 design-build project is advertised, any prospective design-build firm shall attend a
36.3 design-build information session conducted by the commissioner or the commissioner's
36.4 designee with design-build experience. The information must include information about
36.5 design-build contracts, including, but not limited to, communication with partner firms,
36.6 project oversight requirements, assessing risk, and communication with the municipality's
36.7 engineer. After participation in the information session, the design-build firm is eligible to
36.8 bid on the design-build project and any future design-build pilot program projects.

36.9 Subd. 7. **Evaluation.** The selection team shall evaluate the design-build
36.10 qualifications of responding firms and shall compile a short list of no more than five
36.11 most highly qualified firms in accordance with qualifications criteria described in the
36.12 RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the
36.13 municipality may readvertise or cancel the project as the municipality deems necessary.

36.14 Subd. 8. **Phase two; design-build RFP.** The municipality shall prepare an RFP,
36.15 which must include:

36.16 (1) the scope of work, including (i) performance and technical requirements, (ii)
36.17 conceptual design, (iii) specifications, and (iv) functional and operational elements for
36.18 the delivery of the completed project, all of which must be prepared by a registered or
36.19 licensed professional engineer;

36.20 (2) copies of the contract documents that the successful proposer will be expected to
36.21 sign;

36.22 (3) the maximum time allowable for design and construction;

36.23 (4) the road authority's estimated cost of design and construction;

36.24 (5) the requirement that a submitted proposal be segmented into two parts, a
36.25 technical proposal and a price proposal;

36.26 (6) the requirement that each proposal be in a separately sealed, clearly identified
36.27 package and include the date and time of the submittal deadline;

36.28 (7) the requirement that the technical proposal include a critical path method,
36.29 bar schedule of the work to be performed, or similar schematic; preliminary design
36.30 plans and specifications; technical reports; calculations; permit requirements; applicable
36.31 development fees; and other data requested in the RFP;

36.32 (8) the requirement that the price proposal contain all design, construction,
36.33 engineering, inspection, and construction costs of the proposed project;

36.34 (9) the date, time, and location of the public opening of the sealed price proposals;

36.35 (10) the amount of, and eligibility for, a stipulated fee;

36.36 (11) other information relevant to the project; and

37.1 (12) a statement that "past performance," "experience," or other criteria used in the
37.2 RFP evaluation process does not include the exercise or assertion of a person's legal rights.

37.3 Subd. 9. **Design-build award; computation; announcement.** A design-build
37.4 contract shall be awarded as follows:

37.5 (a) The Technical Review Committee shall score the technical proposals of the
37.6 proposers selected under subdivision 7 using the selection criteria in the RFP. The
37.7 Technical Review Committee shall then submit a technical proposal score for each
37.8 design-builder to the municipality. The Technical Review Committee shall reject any
37.9 nonresponsive proposal. The municipality shall review the technical proposal scores.

37.10 (b) The commissioner or the commissioner's designee shall review the technical
37.11 proposal scores. The commissioner shall submit the final technical proposal scores to the
37.12 municipality.

37.13 (c) The municipality shall announce the technical proposal score for each
37.14 design-builder and shall publicly open the sealed price proposals and shall divide each
37.15 design-builder's price by the technical score that the commissioner has given to it to obtain
37.16 an adjusted score. The design-builder selected must be that responsive and responsible
37.17 design-builder whose adjusted score is the lowest.

37.18 (d) If a time factor is included with the selection criteria in the RFP package, the
37.19 municipality may use a value of the time factor established by the municipality as a
37.20 criterion in the RFP.

37.21 (e) Unless all proposals are rejected, the municipality shall award the contract
37.22 to the responsive and responsible design-builder with the lowest adjusted score. The
37.23 municipality shall reserve the right to reject all proposals.

37.24 (f) The municipality shall award a stipulated fee not less than two-tenths of one
37.25 percent of the municipality's estimated cost of design and construction to each short-listed,
37.26 responsible proposer who provides a responsive but unsuccessful proposal. If the
37.27 municipality does not award a contract, all short-listed proposers must receive the
37.28 stipulated fee. If the municipality cancels the contract before reviewing the technical
37.29 proposals, the municipality shall award each design-builder on the short list a stipulated
37.30 fee of not less than two-tenths of one percent of the municipality's estimated cost of
37.31 design and construction. The municipality shall pay the stipulated fee to each proposer
37.32 within 90 days after the award of the contract or the decision not to award a contract.
37.33 In consideration for paying the stipulated fee, the municipality may use any ideas or
37.34 information contained in the proposals in connection with any contract awarded for the
37.35 project or in connection with a subsequent procurement, without any obligation to pay
37.36 any additional compensation to the unsuccessful proposers. Notwithstanding the other

38.1 provisions of this subdivision, an unsuccessful short-list proposer may elect to waive
38.2 the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated
38.3 fee, the municipality may not use ideas and information contained in that proposer's
38.4 proposal. Upon the request of the municipality, a proposer who waived a stipulated fee
38.5 may withdraw the waiver, in which case the municipality shall pay the stipulated fee to the
38.6 proposer and thereafter may use ideas and information in the proposer's proposal.

38.7 Subd. 10. **Low-bid design-build process.** (a) The municipality may also use
38.8 low-bid, design-build procedures to award a design-build contract where the scope of
38.9 the work can be clearly defined.

38.10 (b) Low-bid design-build projects may require an RFQ and short-listing, and must
38.11 require an RFP.

38.12 (c) Submitted proposals under this subdivision must include separately a technical
38.13 proposal and a price proposal. The low-bid, design-build procedures must follow a
38.14 two-step process for review of the responses to the RFP as follows:

38.15 (1) the first step is the review of the technical proposal by the Technical Review
38.16 Committee as provided in subdivision 4. The Technical Review Committee must open
38.17 the technical proposal first and must determine if it complies with the requirements of the
38.18 RFP and is responsive. The Technical Review Committee may not perform any ranking
38.19 or scoring of the technical proposals; and

38.20 (2) the second step is the determination of the low bidder based on the price
38.21 proposal. The municipality may not open the price proposal until the review of the
38.22 technical proposal is complete.

38.23 (d) The contract award under low-bid, design-build procedures must be made to the
38.24 proposer whose sealed bid is responsive to the technical requirements as determined by
38.25 the Technical Review Committee and that is also the lowest bid.

38.26 (e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build
38.27 projects only when the municipality has required an RFQ and short-listed the most highly
38.28 qualified responsive bidders.

38.29 **EFFECTIVE DATE.** This section is effective the day following final enactment
38.30 and expires on October 1, 2012, or upon completion of nine design-build projects under
38.31 this pilot program, whichever occurs first.

38.32 Sec. 27. **REPORT TO LEGISLATURE.**

38.33 Annually, by January 15, the council shall submit a report to the chairs and ranking
38.34 minority members of the legislative committees with jurisdiction over transportation
38.35 budget and policy, and to the legislature as provided under Minnesota Statutes, section

39.1 15.059. The report must summarize the design-build pilot program selection process,
39.2 including the number of applications considered; the proposal process for each project
39.3 that was selected; the contracting process for each project that was completed; and project
39.4 costs. The report must evaluate the process and results applying the performance-based
39.5 measures with which the commissioner evaluates trunk highway design-build projects.
39.6 The report must include any recommendations for future legislation.

39.7 **EFFECTIVE DATE.** This section is effective the day following final enactment
39.8 and expires on October 1, 2012, or upon completion of nine design-build projects under
39.9 this pilot program, whichever occurs first.

39.10 Sec. 28. **PROHIBITION OF IMPOSITION OF SEASONAL LOAD**
39.11 **RESTRICTIONS.**

39.12 The commissioner of transportation may not impose seasonal restrictions as to the
39.13 weight of vehicles to be operated on marked Trunk Highway 11 between the cities of
39.14 Baudette and International Falls.

39.15 **EFFECTIVE DATE.** This section is effective when the commissioner begins major
39.16 construction or reconstruction on any portion of marked Trunk Highway 11, and expires
39.17 when the reconstruction of marked Trunk Highway 11 is completed.

39.18 Sec. 29. **SEAT BELT.**

39.19 Sections 8 and 9 may be cited as the "Kathryn Swanson Seat Belt Safety Act."

39.20 Sec. 30. **APPLICATION.**

39.21 Section 16 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
39.22 Scott, and Washington.

APPENDIX
Article locations in s1276-2

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|-----------|-------------------------------------|---------------|
| ARTICLE 1 | TRANSPORTATION APPROPRIATIONS | Page.Ln 1.27 |
| ARTICLE 2 | TRUNK HIGHWAY BONDS | Page.Ln 19.22 |
| ARTICLE 3 | TRANSPORTATION FINANCE | Page.Ln 20.11 |