

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1647

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
03/11/2015	685	Introduction and first reading Referred to Transportation and Public Safety
04/07/2015	1453a 1490	Comm report: To pass as amended Second reading
04/20/2015	2076	General Orders: Stricken and re-referred to Finance
04/23/2015		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to transportation; amending various provisions related to transportation
1.2 and public safety policies, including data practices and storage; motor carriers;
1.3 traffic regulation modifications; vehicle equipment; railroad liability, powers,
1.4 and crossing by utilities; minimum train crew size; drive away in-transit
1.5 licenses; road design; engine compression regulation by city of St. Paul;
1.6 turnbacks; bikeways; subcontracting goals; and alternative damages appraisal
1.7 for transportation projects; amending Minnesota Statutes 2014, sections 13.69,
1.8 subdivision 1; 13.72, by adding a subdivision; 160.20, subdivision 4; 160.232;
1.9 160.266, subdivisions 2, 3, by adding subdivisions; 161.321, subdivisions 2a, 2c,
1.10 4; 168.33, subdivision 2; 169.06, subdivision 4a; 169.18, subdivision 12; 169.49;
1.11 169.782, subdivisions 1, 2, 4; 169.791, subdivisions 1, 2; 169.81, by adding a
1.12 subdivision; 171.061, subdivision 3; 174.40, by adding a subdivision; 219.76;
1.13 219.761; 221.031, by adding a subdivision; 221.605, by adding a subdivision;
1.14 299D.085, subdivision 2; 473.146, subdivision 4; proposing coding for new law
1.15 in Minnesota Statutes, chapters 219; 237; 383B.
1.16

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

1.18 Section 1. Minnesota Statutes 2014, section 13.69, subdivision 1, is amended to read:

1.19 Subdivision 1. **Classifications.** (a) The following government data of the
1.20 Department of Public Safety are private data:

1.21 (1) medical data on driving instructors, licensed drivers, and applicants for parking
1.22 certificates and special license plates issued to physically disabled persons;

1.23 (2) other data on holders of a disability certificate under section 169.345, except that
1.24 data that are not medical data may be released to law enforcement agencies, and data
1.25 necessary for enforcement of sections 169.345 and 169.346 may be released to parking
1.26 enforcement employees or parking enforcement agents of statutory or home rule charter
1.27 cities and towns;

1.28 (3) Social Security numbers in driver's license and motor vehicle registration
1.29 records, except that Social Security numbers must be provided to the Department of

2.1 Revenue for purposes of tax administration, the Department of Labor and Industry for
 2.2 purposes of workers' compensation administration and enforcement, and the Department
 2.3 of Natural Resources for purposes of license application administration; and

2.4 (4) data on persons listed as standby or temporary custodians under section 171.07,
 2.5 subdivision 11, except that the data must be released to:

2.6 (i) law enforcement agencies for the purpose of verifying that an individual is a
 2.7 designated caregiver; or

2.8 (ii) law enforcement agencies who state that the license holder is unable to
 2.9 communicate at that time and that the information is necessary for notifying the designated
 2.10 caregiver of the need to care for a child of the license holder.

2.11 The department may release the Social Security number only as provided in clause
 2.12 (3) and must not sell or otherwise provide individual Social Security numbers or lists of
 2.13 Social Security numbers for any other purpose.

2.14 (b) The following government data of the Department of Public Safety are
 2.15 confidential data: data concerning an individual's driving ability when that data is received
 2.16 from a member of the individual's family.

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

2.18 Sec. 2. Minnesota Statutes 2014, section 13.72, is amended by adding a subdivision to
 2.19 read:

2.20 **Subd. 20. Construction project schedule data.** A construction project schedule
 2.21 or any portion of a construction project schedule created by a vendor, as defined by
 2.22 section 16C.02, subdivision 21, and submitted to or maintained by the Department of
 2.23 Transportation is nonpublic data from the time the construction project is advertised
 2.24 until the project is awarded.

2.25 Sec. 3. Minnesota Statutes 2014, section 160.20, subdivision 4, is amended to read:

2.26 Subd. 4. **Conditions.** (a) A road authority may accept applications for permits for
 2.27 installation of drain tile along or across the right-of-way under its jurisdiction. The road
 2.28 authority may adopt reasonable rules for the installations and may require a bond before
 2.29 granting a permit. Permits for installation along a highway right-of-way must ensure that
 2.30 the length of the installation is restricted to the minimum necessary to achieve the desired
 2.31 agricultural benefits. A permit must not allow open trenches to be left on the right-of-way
 2.32 after installation of the drain tile is completed. A road authority that grants a permit for
 2.33 tile drain installation is not responsible for damage to that installation resulting from the
 2.34 action of the authority or any other permittee utilizing the right-of-way.

3.1 (b) A person who installs drain tile along or across a highway right-of-way without
3.2 obtaining a permit as provided in this section is guilty of a misdemeanor.

3.3 (c) The commissioner shall take no action under this section which will result in the
3.4 loss of federal aid for highway construction in the state.

3.5 (d) For the purpose of ~~this section~~ subdivisions 2 to 4, "highway" means any
3.6 highway as defined in section 160.02 which is located outside the corporate limits of a
3.7 home rule charter or statutory city.

3.8 Sec. 4. Minnesota Statutes 2014, section 160.232, is amended to read:

3.9 **160.232 MOWING DITCHES OUTSIDE CITIES.**

3.10 (a) To provide enhanced roadside habitat for nesting birds and other small wildlife,
3.11 road authorities and persons may not mow, hay, or till the right-of-way of a highway
3.12 ~~located outside of a home rule charter or statutory city~~ except as allowed in this section
3.13 and section 160.23.

3.14 (b) On any highway, the first eight feet away from the road surface, or shoulder
3.15 if one exists, may be mowed at any time.

3.16 (c) An entire right-of-way may be mowed ~~after July~~ from August 1 to December
3.17 31. From August 31 January 1 to the following July 31, the entire right-of-way additional
3.18 areas may only be mowed if necessary for safety reasons, but may not be mowed to a
3.19 height of less than ~~12~~ eight inches.

3.20 (d) A right-of-way may be ~~mowed as necessary to maintain sight distance for safety~~
3.21 ~~and may be mowed at other times under rules of the commissioner, or by ordinance of~~
3.22 ~~a local road authority not conflicting with the rules of the commissioner~~ spot-mowed or
3.23 precision-hayed for treatment of noxious weeds or invasive plant species, incorporating
3.24 best management practices for long-term control.

3.25 (e) Residences and other areas traditionally maintained may be mowed, but
3.26 landowners are encouraged to delay mowing the right-of-way until after nesting season.

3.27 (f) A right-of-way may be mowed, hayed, burned, or tilled to prepare ~~the right-of-way~~
3.28 for the establishment of permanent vegetative cover or for prairie vegetation management.

3.29 (g) Roadsides adjacent to state wildlife management areas may not be mowed or
3.30 hayed by persons other than road authorities unless permission to mow or hay the roadside
3.31 is obtained from the commissioner of natural resources.

3.32 (h) Private land owners and public land owners may request that roadsides on their
3.33 property not be mowed for the purpose of providing roadside habitat for wildlife or
3.34 pollinators. The request must be made in writing to the appropriate road authority and
3.35 shall include the legal description of the property.

4.1 (i) Local road authorities with roadside jurisdiction may create more restrictive
 4.2 mowing, haying, or tilling ordinances on roads under their jurisdiction.

4.3 ~~(f)~~ (j) When feasible, road authorities are encouraged to utilize low maintenance,
 4.4 native vegetation that reduces the need to mow, provides wildlife habitat, and maintains
 4.5 public safety.

4.6 ~~(g)~~ (k) The commissioner of natural resources shall ~~cooperate~~ coordinate with the
 4.7 commissioner of transportation and local road authorities to provide enhanced roadside
 4.8 habitat for nesting birds, native pollinators, and other small wildlife.

4.9 (l) Licensed peace officers may enforce this section. The penalty for a violation of
 4.10 this section is a petty misdemeanor and a civil penalty equal to the value of the vegetation
 4.11 taken as determined by the road authority. Penalties collected under this section must
 4.12 be deposited in an account maintained by the road authority with jurisdiction over the
 4.13 roadside impacted by the violation.

4.14 Sec. 5. Minnesota Statutes 2014, section 160.266, subdivision 2, is amended to read:

4.15 Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities
 4.16 including the commissioner of natural resources, shall identify ~~a bikeway that originates at~~
 4.17 ~~Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels~~
 4.18 ~~the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in~~
 4.19 ~~Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk~~
 4.20 ~~Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County,~~
 4.21 ~~St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County,~~
 4.22 ~~Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston~~
 4.23 ~~County to Minnesota's boundary with Iowa and there terminates. Where opportunities~~
 4.24 ~~exist, the bikeway may be designated on both sides of the Mississippi River~~ state bikeways.

4.25 Sec. 6. Minnesota Statutes 2014, section 160.266, subdivision 3, is amended to read:

4.26 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation
 4.27 with road and trail authorities including the commissioner of natural resources, shall:

4.28 (1) identify existing bikeways of regional significance that are in reasonable proximity
 4.29 but not connected to the ~~bikeway~~ bikeways established ~~in~~ under this section, ~~including but~~
 4.30 ~~not limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and~~

4.31 (2) support development of linkages between bikeways identified under clause (1)
 4.32 ~~and the bikeway~~ established ~~in~~ under this section.

5.1 (b) The requirements of this subdivision are a secondary priority for use of funds
 5.2 available under this section following establishment and enhancement of the ~~bikeway~~
 5.3 bikeways under subdivision 1 this section.

5.4 Sec. 7. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
 5.5 to read:

5.6 Subd. 6. **Mississippi River Trail.** The Mississippi River Trail bikeway shall
 5.7 originate at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally
 5.8 parallel the Mississippi River through the cities of Bemidji in Beltrami County, Grand
 5.9 Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County,
 5.10 Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin
 5.11 County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue
 5.12 County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent
 5.13 in Houston County to Minnesota's boundary with Iowa and there terminate. Where
 5.14 opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

5.15 Sec. 8. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
 5.16 to read:

5.17 Subd. 7. **James L. Oberstar Memorial Bikeway.** The James L. Oberstar Memorial
 5.18 Bikeway shall originate in the city of St. Paul in Ramsey County, then proceed north
 5.19 through the cities of North Branch in Chisago County, Hinckley in Pine County, Carlton in
 5.20 Carlton County, Duluth in St. Louis County, Two Harbors in Lake County, and Grand
 5.21 Marais in Cook County to Minnesota's boundary with Canada and there terminate.

5.22 Sec. 9. Minnesota Statutes 2014, section 161.321, subdivision 2a, is amended to read:

5.23 Subd. 2a. **Small targeted group business; subcontracting goals.** (a) The
 5.24 commissioner, as a condition of awarding a construction contract, may set goals that
 5.25 require the for targeted group business participation in contracts. As a condition of award,
 5.26 the prime contractor is required to subcontract portions of the contract to small targeted
 5.27 group businesses. Prime contractors must demonstrate good faith efforts to meet the
 5.28 project goals. The commissioner shall establish a procedure for granting waivers from
 5.29 the subcontracting requirement when qualified small targeted group businesses are not
 5.30 reasonably available either meet the goal or demonstrate good faith efforts to meet the
 5.31 goal. The commissioner must establish a procedure for evaluating the good faith efforts
 5.32 of contractors that do not meet the goal. The commissioner may establish (1) financial
 5.33 incentives for prime contractors who exceed the goals set for the use of subcontractors

6.1 under this subdivision; and (2) sanctions for prime contractors who fail to make good faith
6.2 efforts to meet the goals set under this subdivision.

6.3 (b) The small targeted group business subcontracting requirements of this
6.4 subdivision do not apply to prime contractors who are small targeted group businesses.

6.5 Sec. 10. Minnesota Statutes 2014, section 161.321, subdivision 2c, is amended to read:

6.6 Subd. 2c. **Veteran-owned small business; subcontracting goals.** (a) The
6.7 commissioner, ~~as a condition of awarding a construction contract,~~ may set goals that
6.8 ~~require the prime contractor to subcontract portions of the contract to veteran-owned small~~
6.9 ~~businesses for veteran-owned small business participation in contracts,~~ except when
6.10 prohibited by federal law or rule as a condition of receiving federal funds. As a condition
6.11 of award, the prime contractors contractor must either meet the goal or demonstrate good
6.12 faith efforts to meet the project goals. The commissioner ~~shall~~ must establish a procedure
6.13 for ~~granting waivers from the subcontracting requirement when qualified veteran-owned~~
6.14 ~~small businesses are not reasonably available~~ evaluating the good faith efforts of
6.15 contractors that do not meet the goal. The commissioner may establish (1) financial
6.16 incentives for prime contractors who exceed the goals set for the use of subcontractors
6.17 under this subdivision; and (2) sanctions for prime contractors who ~~have not been granted~~
6.18 ~~a waiver and fail to~~ make good faith efforts to meet goals set under this subdivision.

6.19 (b) The subcontracting requirements of this subdivision do not apply to prime
6.20 contractors who are veteran-owned small businesses.

6.21 Sec. 11. Minnesota Statutes 2014, section 161.321, subdivision 4, is amended to read:

6.22 Subd. 4. **Contract awards, limitations.** ~~Contracts awarded pursuant to this section~~
6.23 ~~are subject to all limitations contained in rules adopted by~~ The commissioner may elect to
6.24 subject contracts awarded under this section to limitations contained in rules adopted by
6.25 the commissioner of administration.

6.26 Sec. 12. Minnesota Statutes 2014, section 168.33, subdivision 2, is amended to read:

6.27 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause
6.28 discontinue, a deputy registrar for any statutory or home rule charter city as the public
6.29 interest and convenience may require, without regard to whether the county auditor of
6.30 the county in which the city is situated has been appointed as the deputy registrar for the
6.31 county or has been discontinued as the deputy registrar for the county, and without regard
6.32 to whether the county in which the city is situated has established a county license bureau
6.33 that issues motor vehicle licenses as provided in section 373.32.

7.1 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar
7.2 for any statutory or home rule charter city as the public interest and convenience may
7.3 require, if the auditor for the county in which the city is situated chooses not to accept
7.4 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,
7.5 or if the county in which the city is situated has not established a county license bureau
7.6 that issues motor vehicle licenses as provided in section 373.32.

7.7 (c) The commissioner may appoint, and for cause discontinue, the county auditor of
7.8 each county as a deputy registrar.

7.9 (d) Despite any other provision, a person other than a county auditor or a director
7.10 of a county license bureau, who was appointed by the registrar before August 1, 1976,
7.11 as a deputy registrar for any statutory or home rule charter city, may continue to serve
7.12 as deputy registrar and may be discontinued for cause only by the commissioner. The
7.13 county auditor who appointed the deputy registrars is responsible for the acts of deputy
7.14 registrars appointed by the auditor.

7.15 (e) Each deputy, before entering upon the discharge of duties, shall take and
7.16 subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

7.17 (f) If a deputy registrar appointed under this subdivision is not an officer or employee
7.18 of a county or statutory or home rule charter city, the deputy shall in addition give bond to
7.19 the state in the sum of \$10,000, or a larger sum as may be required by the commissioner,
7.20 conditioned upon the faithful discharge of duties as deputy registrar.

7.21 (g) A corporation governed by chapter 302A or 317A may be appointed a deputy
7.22 registrar. Upon application by an individual serving as a deputy registrar and the giving of
7.23 the requisite bond as provided in this subdivision, personally assured by the individual or
7.24 another individual approved by the commissioner, a corporation named in an application
7.25 then becomes the duly appointed and qualified successor to the deputy registrar.

7.26 (h) Each deputy registrar appointed under this subdivision shall keep and maintain
7.27 office locations approved by the commissioner for the registration of vehicles and the
7.28 collection of taxes and fees on vehicles.

7.29 (i) The deputy registrar shall keep records and make reports to the commissioner as
7.30 the commissioner requires. The records must be maintained at the offices of the deputy
7.31 registrar. As an alternative to paper copy storage, a deputy registrar may retain records
7.32 and documents in a secure electronic medium, provided 60 days have elapsed since
7.33 the transaction and subject to standards established by the commissioner. The deputy
7.34 registrar is responsible for all costs associated with the conversion to electronic records
7.35 and maintenance of the electronic storage medium, including the destruction of existing
7.36 paper records after conversion to the electronic format. The records and offices of the

8.1 deputy registrar must at all times be open to the inspection of the commissioner or the
8.2 commissioner's agents. The deputy registrar shall report to the commissioner by the
8.3 next working day following receipt all registrations made and taxes and fees collected
8.4 by the deputy registrar.

8.5 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of
8.6 the place for which appointed or, if not a public official, a deputy shall retain the filing fee,
8.7 but the registration tax and any additional fees for delayed registration the deputy registrar
8.8 has collected the deputy registrar shall deposit by the next working day following receipt
8.9 in an approved state depository to the credit of the state through the commissioner of
8.10 management and budget. The place for which the deputy registrar is appointed through its
8.11 governing body must provide the deputy registrar with facilities and personnel to carry out
8.12 the duties imposed by this subdivision if the deputy is a public official. In all other cases,
8.13 the deputy shall maintain a suitable facility for serving the public.

8.14 Sec. 13. Minnesota Statutes 2014, section 169.06, subdivision 4a, is amended to read:

8.15 Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a
8.16 work zone may stop vehicles and hold vehicles in place ~~until it is safe for the vehicles to~~
8.17 ~~proceed. A person operating a motor vehicle that has been stopped by a flagger in a work~~
8.18 ~~zone may proceed after stopping only on instruction by the flagger or a police officer and~~
8.19 ~~direct them to proceed when it is safe. A driver who does not comply with the instruction~~
8.20 of an official traffic control device, flagger, or peace officer in a work zone is guilty of
8.21 a petty misdemeanor, and shall pay a fine of \$300, in addition to the surcharge under
8.22 section 357.021, subdivision 6.

8.23 (b) A person convicted of operating a motor vehicle in violation of a speed limit
8.24 in a work zone, or any other provision of this section while in a work zone, shall be
8.25 required to pay a fine of \$300. This fine is in addition to the surcharge under section
8.26 357.021, subdivision 6.

8.27 (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the
8.28 vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty
8.29 misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may
8.30 not be fined under this paragraph if (1) another person is convicted for that violation, or (2)
8.31 the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a
8.32 lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

8.33 (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle
8.34 operator for violating paragraph (a).

9.1 (e) A violation under paragraph (c) does not constitute grounds for revocation or
 9.2 suspension of a driver's license.

9.3 (f) A peace officer may stop and issue a citation to the driver of a motor vehicle if
 9.4 the peace officer has probable cause to believe the driver has, within the last four hours,
 9.5 operated the vehicle in a manner that violates paragraph (a).

9.6 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 9.7 violations committed on or after that date.

9.8 Sec. 14. Minnesota Statutes 2014, section 169.18, subdivision 12, is amended to read:

9.9 Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before
 9.10 passing a freeway service patrol vehicle, road maintenance vehicle, utility company
 9.11 vehicle, or construction vehicle with its warning lights activated that is parked or otherwise
 9.12 stopped on or next to a street or highway having two lanes in the same direction, the driver
 9.13 of a vehicle shall safely move the vehicle to the lane farthest away from the parked or
 9.14 stopped vehicle, if it is possible to do so.

9.15 (b) When approaching and before passing a freeway service patrol vehicle, road
 9.16 maintenance vehicle, utility company vehicle, or construction vehicle with its warning
 9.17 lights activated that is parked or otherwise stopped on or next to a street or highway
 9.18 having more than two lanes in the same direction, the driver of a vehicle shall safely move
 9.19 the vehicle so as to leave a full lane vacant between the driver and any lane in which the
 9.20 vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

9.21 Sec. 15. Minnesota Statutes 2014, section 169.49, is amended to read:

9.22 **169.49 HEADLAMPS.**

9.23 (a) Every motor vehicle, other than a motorcycle, ~~shall~~ must be equipped with at
 9.24 least two headlamps, ~~with~~ including at least one on each side of the front of the motor
 9.25 vehicle, ~~which~~. Headlamps ~~shall~~ must comply with the requirements and limitations set
 9.26 forth in sections 169.47 to ~~169.79~~ 169.66.

9.27 (b) Every motorcycle ~~shall~~ must be equipped with at least one and not more than
 9.28 ~~two~~ four headlamps, which ~~shall~~ must comply with the requirements and limitations of
 9.29 sections 169.47 to ~~169.79~~ 169.66.

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

9.31 Sec. 16. Minnesota Statutes 2014, section 169.782, subdivision 1, is amended to read:

10.1 Subdivision 1. **Driver; daily inspection, report.** (a) The driver of a commercial
10.2 motor vehicle shall ~~report in writing~~ inspect at the completion of each day's work ~~on~~ each
10.3 commercial motor vehicle the driver has operated. A person who owns one or more
10.4 commercial motor vehicles and who employs drivers for those commercial motor vehicles
10.5 must require each driver to submit a written report as required by this section. The driver
10.6 of a commercial motor vehicle subject to this section is not required to prepare and submit
10.7 a written report if no defect or deficiency is discovered by or reported to the driver,
10.8 except that the driver of a passenger-carrying commercial motor vehicle shall prepare and
10.9 submit a written report regardless of whether any defect or deficiency is discovered by
10.10 or reported to the driver.

10.11 (b) The inspection and report must cover the following parts and accessories: service
10.12 brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering
10.13 mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear
10.14 vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

10.15 ~~(b)~~ (c) The report must identify the vehicle and list any defect or deficiency
10.16 discovered by or reported to the driver that would affect the safe operation of the vehicle or
10.17 result in its mechanical breakdown. If no defect or deficiency is discovered by or reported
10.18 to the driver, the report must so indicate. The driver must sign the report after completing
10.19 it. In the case of a commercial motor vehicle operated by two drivers, the signature of one
10.20 of the drivers satisfies the requirements of this subdivision if both drivers agree concerning
10.21 the defects or deficiencies. If a driver operates more than one commercial motor vehicle
10.22 during a day's work, a report must be prepared for each vehicle operated.

10.23 ~~(e)~~ (d) Before operating or allowing the operation of a commercial motor vehicle
10.24 on which a report has been prepared under this subdivision, the owner of the vehicle or
10.25 the owner's agent must repair defects or deficiencies listed on the report that would likely
10.26 affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to
10.27 be operated again, the owner or the owner's agent must certify, on the report listing the
10.28 defect or deficiency, that the defect or deficiency has been corrected or that correction is
10.29 unnecessary. A motor carrier must keep the original vehicle inspection report for at least
10.30 three months after the date of inspection. The report must be available for inspection by
10.31 an authorized federal, state, or local official at any time during this period.

10.32 ~~(d)~~ (e) A copy of the vehicle inspection report, including a certification of corrections
10.33 resulting from the report, must be carried in the commercial motor vehicle, or in the power
10.34 unit of a commercial motor vehicle combination, at all times when the vehicle or power
10.35 unit is operated until the next inspection report is completed under this subdivision. The

11.1 copy must be made available on demand to (1) a peace officer, (2) a person authorized
 11.2 under section 221.221, and (3) a person described in section 299D.06.

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

11.4 Sec. 17. Minnesota Statutes 2014, section 169.782, subdivision 2, is amended to read:

11.5 Subd. 2. **Driver; pretrip inspection.** ~~(a) Before driving~~ Prior to the first operation
 11.6 of a commercial motor vehicle following completion of a daily inspection report under
 11.7 subdivision 1, a driver must:

11.8 (1) review the most recent vehicle inspection report on the vehicle;

11.9 (2) determine that the vehicle is in safe operating condition; and

11.10 (3) sign the inspection report in the vehicle.

11.11 The driver shall sign the report only if all defects and deficiencies listed in the report
 11.12 have been certified as having been corrected or as not requiring correction.

11.13 ~~(b) If the commercial motor vehicle does not contain the previous day's inspection~~
 11.14 ~~report, the driver must make the inspection and complete the report required under~~
 11.15 ~~subdivision 1.~~

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

11.17 Sec. 18. Minnesota Statutes 2014, section 169.782, subdivision 4, is amended to read:

11.18 Subd. 4. **Exceptions.** ~~(a) With the exception of subdivision 2, paragraph (a), clause~~
 11.19 ~~(2);~~ This section does not apply to a commercial motor vehicle that is a farm truck that may
 11.20 be operated by a person not holding a commercial driver's license, provided that before
 11.21 driving the vehicle, a driver must determine that the vehicle is in safe operating condition.

11.22 (b) This section does not apply to a commercial motor vehicle held for resale by a
 11.23 motor vehicle dealer licensed under section 168.27.

11.24 (c) This section does not apply to a covered farm vehicle as defined in Code of
 11.25 Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of
 11.26 a type or quantity that requires the vehicle to be placarded in accordance with Code of
 11.27 Federal Regulations, title 49, section 172.504.

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

11.29 Sec. 19. Minnesota Statutes 2014, section 169.791, subdivision 1, is amended to read:

11.30 Subdivision 1. **Terms defined.** (a) For purposes of this section and sections 169.792
 11.31 to 169.798, the following terms have the meanings given.

11.32 (b) "Commissioner" means the commissioner of public safety.

12.1 (c) "District court administrator" or "court administrator" means the district court
 12.2 administrator or a deputy district court administrator of the district court that has
 12.3 jurisdiction of a violation of this section.

12.4 (d) "Insurance identification card" means a card, including in an electronic format as
 12.5 provided in section 65B.482, subdivision 1, issued by an obligor to an insured stating that
 12.6 security as required by section 65B.48 has been provided for the insured's vehicle.

12.7 (e) "Law enforcement agency" means the law enforcement agency that employed
 12.8 the peace officer who demanded proof of insurance under this section or section 169.792.

12.9 (f) "Peace officer" or "officer" means an employee of a political subdivision or
 12.10 state law enforcement agency, including the Minnesota State Patrol, who is licensed by
 12.11 the Minnesota Board of Peace Officer Standards and Training and is authorized to make
 12.12 arrests for violations of traffic laws.

12.13 (g) "Proof of insurance" means an insurance identification card, written statement, or
 12.14 insurance policy as defined by section 65B.14, subdivision 2.

12.15 (h) "Vehicle" means a motor vehicle as defined in section 65B.43, subdivision 2, or a
 12.16 motorcycle as defined in section 65B.43, subdivision 13.

12.17 (i) "Written statement" means a written statement by a licensed insurance agent
 12.18 stating the name and address of the insured, the vehicle identification number of the
 12.19 insured's vehicle, that a plan of reparation security as required by section 65B.48 has been
 12.20 provided for the insured's vehicle, and the dates of the coverage.

12.21 (j) The definitions in section 65B.43 apply to sections 169.792 to 169.798.

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

12.23 Sec. 20. Minnesota Statutes 2014, section 169.791, subdivision 2, is amended to read:

12.24 Subd. 2. **Requirement for driver, whether or not owner.** (a) Every driver shall
 12.25 have in possession at all times when operating a vehicle and shall produce on demand
 12.26 of a peace officer proof of insurance in force at the time of the demand covering the
 12.27 vehicle being operated. If the driver does not produce the required proof of insurance
 12.28 upon the demand of a peace officer, the driver is guilty of a misdemeanor. A person is
 12.29 guilty of a gross misdemeanor who violates this section within ten years of the first of
 12.30 two prior convictions under this section, section 169.797, or a statute or ordinance in
 12.31 conformity with one of those sections. The same prosecuting authority who is responsible
 12.32 for prosecuting misdemeanor violations of this section is responsible for prosecuting gross
 12.33 misdemeanor violations of this section. A driver who is not the owner of the vehicle may
 12.34 not be convicted under this section unless the driver knew or had reason to know that the
 12.35 owner did not have proof of insurance required by this section, provided that the driver

13.1 provides the officer with the name and address of the owner at the time of the demand
13.2 or complies with subdivision 3.

13.3 (b) The use of an electronic device to display proof of insurance does not constitute
13.4 consent for a peace officer to access other contents of the electronic device.

13.5 (c) If a policyholder provides an electronic device for proof of insurance, the
13.6 policyholder assumes all liability for any damage to the electronic device while in the
13.7 possession of the law enforcement officer.

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

13.9 Sec. 21. Minnesota Statutes 2014, section 169.81, is amended by adding a subdivision
13.10 to read:

13.11 Subd. 3f. **Length limits exclusion; aerodynamic device.** An aerodynamic device
13.12 that meets the requirements under Code of Federal Regulations, title 23, section 658.16
13.13 (b)(4), is excluded from each calculation of length under subdivision 2, 3, or 3c, including
13.14 (1) total vehicle length; and (2) length of a semitrailer or trailer, whether in a vehicle
13.15 combination or not.

13.16 Sec. 22. Minnesota Statutes 2014, section 171.061, subdivision 3, is amended to read:

13.17 Subd. 3. **Application.** An applicant may file an application with an agent. The
13.18 agent shall receive and accept applications in accordance with the laws and rules of the
13.19 Department of Public Safety for a driver's license, restricted license, duplicate license,
13.20 instruction permit, Minnesota identification card, or motorized bicycle operator's permit.
13.21 As an alternative to paper copy storage, an agent may retain records and documents in
13.22 a secure electronic medium, provided 60 days have elapsed since the transaction and
13.23 subject to standards established by the commissioner. The agent is responsible for all costs
13.24 associated with the conversion to electronic records and maintenance of the electronic
13.25 storage medium, including the destruction of existing paper records after conversion
13.26 to the electronic format.

13.27 Sec. 23. Minnesota Statutes 2014, section 174.40, is amended by adding a subdivision
13.28 to read:

13.29 Subd. 4a. **Eligibility.** A statutory or home rule charter city, county, or town in which
13.30 infrastructure expansion or development is in process is eligible to receive infrastructure
13.31 funding on or after June 1, 2016, under this section only if it has adopted subdivision
13.32 regulations that require a developer to include safe routes to school infrastructure in new
13.33 developments.

14.1 Sec. 24. **[219.752] MINIMUM CREW SIZE.**

14.2 No Class I or Class II railroad shall allow the operation of a railroad train or
 14.3 locomotive in this state, used in connection with the movement of freight or passengers,
 14.4 without a crew composed of a minimum of two individuals, except hostling and helper
 14.5 operations, remote control locomotives in yards, and as otherwise provided by Code of
 14.6 Federal Regulations, title 49, part 218, subpart B. A railroad that violates this section is
 14.7 guilty of a misdemeanor and, in addition to any other sanctions authorized in law, shall
 14.8 be ordered to pay a fine of at least \$250 for a first-time violation of this section, and
 14.9 \$1,000 for a second or subsequent violation.

14.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 14.11 committed on or after that date.

14.12 Sec. 25. Minnesota Statutes 2014, section 219.76, is amended to read:

14.13 **219.76 FIRE DAMAGE CAUSED BY ENGINE TRAIN OR CONTENTS;**
 14.14 **INSURABLE INTEREST.**

14.15 A railroad ~~corporation~~ ~~owning or operating a railroad~~ in this state is responsible in
 14.16 damages to every person who is injured and corporation public or private entity or person
 14.17 whose property is injured, damaged, or destroyed by fire communicated spread directly
 14.18 or indirectly by the locomotive engines or rolling stock in use upon its railroad line, or
 14.19 contents of the rolling stock, or caused directly or indirectly by spill, tear, discharge, or
 14.20 combustion of train contents. Each railroad ~~corporation~~ shall have an insurable interest
 14.21 in the property upon the route of its railroad line and may procure insurance in its own
 14.22 behalf for its protection against the damages.

14.23 Sec. 26. Minnesota Statutes 2014, section 219.761, is amended to read:

14.24 **219.761 EXTINGUISHING LOCOMOTIVE RESPONSE TO**
 14.25 **TRAIN-RELATED FIRE OR OTHER EMERGENCY; REIMBURSEMENT.**

14.26 Subdivision 1. **Reimbursement.** (a) A railroad operating in Minnesota is liable for
 14.27 all reasonable expenses of ~~extinguishment~~ ~~when a fire or fire hazard~~ other emergency that
 14.28 is proximately caused by a railroad locomotive, rolling stock or its contents, or employees
 14.29 on a railroad right-of-way or, operating property, or other property. If ~~the fire department~~
 14.30 of a local government or nonprofit firefighting corporation extinguishes an emergency
 14.31 responder, local government entity, or nonprofit firefighting corporation responds to a
 14.32 fire arising from one occurrence or responds to another emergency and deems that it is
 14.33 entitled to reimbursement for its expenses, it shall, within 60 days after the first full day

15.1 after ~~extinguishment~~ the emergency response, give the railroad, ~~by mail~~, written notice
 15.2 stating the circumstances of the fire or other emergency as then known. The notice
 15.3 may be given to the railroad at any address at which the owner has an office, agent, or
 15.4 other place of business in this state. The date of the mailing is the date of service of the
 15.5 notice. For purposes of this paragraph, reasonable response expenses include all expenses
 15.6 incurred by a fire department or other emergency responder in supplying mutual aid
 15.7 assistance, regardless of whether the fire department or emergency responder is entitled
 15.8 to reimbursement from the entity requesting assistance.

15.9 (b) If after notice and claim for reimbursement, the railroad ~~working the right-of-way~~
 15.10 refuses to reimburse the local government, or nonprofit firefighting corporation, or other
 15.11 emergency responders for expenses incurred, the claimant may recover by civil action
 15.12 reasonable expenses, costs, disbursements, and attorney's fees.

15.13 Subd. 2. **Information in claim.** All claims must set forth the basis of the claim
 15.14 including the time, date, place, and circumstances of the claim. A claim must also include
 15.15 an itemization of costs incurred to extinguish the fire or respond to the emergency. The
 15.16 state Fire Marshal, in consultation with fire department chiefs ~~and~~, representatives of the
 15.17 interested railroads, representatives of local government entities, nonprofit firefighting
 15.18 corporations, and other emergency responders, may recommend that additional
 15.19 information be included in a claim.

15.20 Subd. 3. **Other costs, remedies.** (a) If the railroads are required to pay property
 15.21 taxes pursuant to chapter 272 or any other law, they shall also pay the fees and assessments
 15.22 required of property owners situated within the same political subdivision for firefighting
 15.23 and protection expenses.

15.24 (b) Neither the enactment of this section nor its subsequent repeal or termination
 15.25 alters the statutory or common law rights, duties, or obligations of railroad companies
 15.26 with regard to fires and other emergencies caused directly or indirectly by a railroad
 15.27 locomotive, rolling stock, contents, or railroad employees on a railroad right-of-way
 15.28 ~~or~~, operating property, or other property, or caused directly or indirectly by spill, tear,
 15.29 discharge, or combustion of train contents.

15.30 Sec. 27. Minnesota Statutes 2014, section 221.031, is amended by adding a subdivision
 15.31 to read:

15.32 Subd. 9a. **Federal out-of-service order; operation prohibited.** No intrastate
 15.33 carrier, private carrier engaged in intrastate commerce, or person providing intrastate
 15.34 transportation service described in section 221.025 shall operate a commercial motor
 15.35 vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal

16.1 Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part
16.2 385 or 386, is in effect.

16.3 Sec. 28. Minnesota Statutes 2014, section 221.605, is amended by adding a subdivision
16.4 to read:

16.5 Subd. 4. **Federal out-of-service order; operation prohibited.** No interstate carrier
16.6 or private carrier engaged in interstate commerce shall operate a commercial motor
16.7 vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal
16.8 Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part
16.9 385 or 386, is in effect.

16.10 Sec. 29. [237.045] RAILROAD RIGHTS-OF-WAY; CROSSING OR
16.11 PARALLELING BY UTILITIES.

16.12 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
16.13 have the meanings given them.

16.14 (b) "Crossing" means the construction, operation, repair, or maintenance of a utility
16.15 facility over, under, or across a railroad right-of-way. The term includes longitudinal
16.16 occupancy of railroad right-of-way.

16.17 (c) "Facility" means any item of personal property placed over, across, or
16.18 underground for use in connection with the storage or conveyance of:

16.19 (1) water;

16.20 (2) sewage;

16.21 (3) electronic, telephone, or telegraphic communications;

16.22 (4) fiber optics;

16.23 (5) cablevision;

16.24 (6) electric energy;

16.25 (7) oil;

16.26 (8) gas;

16.27 (9) hazardous liquids; or

16.28 (10) other facilities including pipes, sewers, conduits, cables, valves, lines, wires,
16.29 manholes, or attachments.

16.30 (d) "Parallel" or "paralleling" means that the relevant utility facilities run adjacent
16.31 to and alongside the lines of a railroad for no more than one mile, or another distance
16.32 agreed to by the parties, before the utility facilities cross the railroad lines, terminate,
16.33 or exit the railroad right-of-way.

17.1 (e) "Railroad" means any association, corporation, or other entity engaged in
17.2 operating a common carrier by rail, or any other entity responsible for the management of
17.3 crossings or collection of crossing fees for the railroad.

17.4 (f) "Utility" means cooperative electric association, electric utility, public
17.5 utility, transmission company, gas utility, municipal utility, municipal power agency,
17.6 joint action agency, pipeline company, rural water system, or telephone, telegraph,
17.7 telecommunications, cable, or fiber optic carrier.

17.8 Subd. 2. **Application.** This section applies to:

17.9 (1) any crossing in existence before the effective date of this section if an agreement
17.10 concerning the crossing has expired or has been terminated. In such instance, if the
17.11 collective amount of \$750 has been paid to the railroad during the existence of the
17.12 crossing, no additional fee is required; and

17.13 (2) any crossing commenced on or after the effective date of this section.

17.14 Subd. 3. **Right-of-way crossing; application for permission.** (a) Any utility
17.15 that intends to place a facility across or upon a railroad right-of-way shall request prior
17.16 permission from the railroad.

17.17 (b) The request shall be in the form of a completed crossing application, including a
17.18 drawing showing the location of the proposed crossing and the railroad's property, tracks,
17.19 and wires that the utility will cross. The utility shall submit the crossing application on a
17.20 form provided or approved by the railroad, if available.

17.21 (c) The crossing application shall be sent to the railroad by certified mail, with
17.22 return receipt requested.

17.23 (d) The application shall be accompanied by the crossing fee as set forth in
17.24 subdivision 5, and a certificate of insurance as required by subdivision 6.

17.25 Subd. 4. **Right-of-way crossing; construction.** Beginning 30 days after the
17.26 receipt by the railroad of a completed crossing application, crossing fee, and certificate of
17.27 insurance, the utility may commence the construction of the crossing unless the railroad
17.28 notifies the utility in writing that the proposed crossing or paralleling is a serious threat to
17.29 the safe operations of the railroad or to the current use of the railroad right-of-way.

17.30 Subd. 5. **Standard crossing fee.** (a) Unless otherwise agreed by the parties or
17.31 determined under section 237.04, a utility that crosses a railroad right-of-way, other than a
17.32 crossing within a public right-of-way, shall pay the railroad a onetime standard crossing
17.33 fee of \$750 for each crossing. The standard crossing fee is in lieu of any license, permit,
17.34 application, processing fee, or any other fee or charge to reimburse the railroad for direct
17.35 expenses incurred by the railroad as a result of the crossing.

18.1 (b) In addition to the standard crossing fee, the utility shall also reimburse the
18.2 railroad for any reasonable flagging expense associated with a crossing.

18.3 (c) No crossing fee is required if the crossing is located within a public right-of-way.

18.4 (d) The placement of a single conduit and its content shall be considered a single
18.5 facility. No additional fees are payable based on the individual fibers, wires, lines, or
18.6 other items contained within the conduit.

18.7 Subd. 6. **Certificate of insurance; coverage.** (a) The certificate of insurance or
18.8 coverage submitted by a municipality shall include commercial general liability insurance
18.9 or an equivalent form with a limit of not less than \$1,000,000 for each occurrence and
18.10 an aggregate of not less than \$2,000,000.

18.11 (b) The certificate of insurance submitted by any other utility, except a gas or
18.12 hazardous materials pipeline utility, shall include commercial general liability insurance
18.13 with a combined single limit of a minimum of \$2,000,000 for each occurrence and an
18.14 aggregate limit of at least \$4,000,000.

18.15 (c) The certificate of insurance submitted by a gas or hazardous materials pipeline
18.16 utility shall include commercial general liability insurance with a combined single limit of a
18.17 minimum of \$5,000,000 for each occurrence and an aggregate limit of at least \$10,000,000.

18.18 (d) The certificate of insurance shall be from an insurer of the utility's choosing.

18.19 Subd. 7. **Objection to crossing; petition to Public Utilities Commission.** (a) If
18.20 a railroad objects to the proposed crossing or paralleling due to the proposal being a
18.21 serious threat to the safe operations of the railroad or to the current use of the railroad
18.22 right-of-way, the railroad shall provide to the utility notice of the objection and the specific
18.23 basis for the objection. The railroad shall send the notice of objection to the utility by
18.24 certified mail, with return receipt requested.

18.25 (b) If the parties are unable to resolve the objection, either party may petition the
18.26 Public Utilities Commission for their assistance via mediation or arbitration of the disputed
18.27 crossing application. The petition must be filed within 60 days of receipt of the objection.
18.28 Before filing a petition, the parties shall make good faith efforts to resolve the objection.

18.29 (c) If a petition is filed, the Public Utilities Commission must issue an order within
18.30 120 days of filing of the petition. The order may be appealed under chapter 14 and section
18.31 216B.27. The Public Utilities Commission shall assess the costs associated with a petition
18.32 equitably among the parties.

18.33 Subd. 8. **Additional requirements; objection and petition to Public Utilities**
18.34 **Commission.** (a) If a railroad imposes additional requirements on a utility for crossing its
18.35 lines, other than the proposed crossing being a serious threat to the safe operations of the
18.36 railroad or to the current use of the railroad right-of-way, the utility may object to one or

19.1 more of the requirements. If it objects, the utility shall provide notice of the objection
 19.2 and the specific basis for the objection to the railroad by certified mail, with return receipt
 19.3 requested.

19.4 (b) If the parties are unable to resolve the objection, either party may petition the
 19.5 Public Utilities Commission for resolution or modification of the additional requirements.
 19.6 The petition must be filed within 60 days of receipt of the objection. Before filing a
 19.7 petition, the parties shall make good faith efforts to resolve the objection.

19.8 (c) If a petition is filed, the Public Utilities Commission shall determine, after notice
 19.9 and opportunity for hearing, whether special circumstances exist that necessitate additional
 19.10 requirements for the placement of the crossing. The Public Utilities Commission must
 19.11 issue an order within 120 days of filing of the petition. The order may be appealed under
 19.12 chapter 14 and section 216B.27. The Public Utilities Commission shall assess the costs
 19.13 associated with a petition equitably among the parties.

19.14 Subd. 9. **Existing agreements.** Nothing in this section prevents a railroad and a
 19.15 utility from continuing under an existing agreement, or from otherwise negotiating the
 19.16 terms and conditions applicable to a crossing or the resolution of any disputes relating
 19.17 to the crossing. The use of this section or section 237.04 is optional. Nothing in this
 19.18 section impairs the authority of a utility to secure crossing rights by easement through
 19.19 exercise of the power of eminent domain.

19.20 Sec. 30. Minnesota Statutes 2014, section 299D.085, subdivision 2, is amended to read:

19.21 Subd. 2. **Certificate.** No person may operate as an overdimensional load escort
 19.22 driver in this state without a certificate issued by the commissioner, or by a state with
 19.23 which the commissioner has entered into a reciprocal agreement. The commissioner shall
 19.24 assess a fee for each certificate applicant, calculated to cover the commissioner's cost of
 19.25 establishing and administering the program. No other certification is required to escort
 19.26 an overdimensional load.

19.27 Sec. 31. **[383B.83] LIMITS ON RAILROAD CONDEMNATION POWERS**
 19.28 **OVER CERTAIN GOVERNMENTAL PROPERTY INTERESTS.**

19.29 Notwithstanding anything to the contrary in chapter 117, sections 222.26, 222.27,
 19.30 222.36, or any other law, the powers of a foreign or domestic railroad corporation or a
 19.31 railroad company or a railroad interest acting as a public service corporation or a common
 19.32 carrier do not include the power to exercise eminent domain over a property interest of
 19.33 Hennepin County, the Hennepin County Housing and Redevelopment Authority, or the
 19.34 Hennepin County Regional Railroad Authority if the governmental power, by resolution

20.1 of its governing board, determines based on specific findings that the public safety or
 20.2 access of first responders would be substantially and adversely affected by the exercise.

20.3 **EFFECTIVE DATE.** This section is effective retroactively from March 2, 2015,
 20.4 and applies to any eminent domain action to acquire any property interest of any of the
 20.5 named entities.

20.6 Sec. 32. Minnesota Statutes 2014, section 473.146, subdivision 4, is amended to read:

20.7 Subd. 4. **Transportation planning.** (a) The Metropolitan Council is the designated
 20.8 planning agency for any long-range comprehensive transportation planning required by
 20.9 section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation
 20.10 Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal
 20.11 transportation laws. The council shall assure administration and coordination of
 20.12 transportation planning with appropriate state, regional and other agencies, counties,
 20.13 and municipalities.

20.14 (b) The council shall establish an advisory body consisting of citizens and
 20.15 representatives of municipalities, counties, and state agencies in fulfillment of the planning
 20.16 responsibilities of the council. The membership of the advisory body must consist of:

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

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

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

20.22 (4) one person appointed by the council to represent nonmotorized transportation;

20.23 (5) one person appointed by the commissioner of transportation to represent the
 20.24 freight transportation industry;

20.25 (6) two persons appointed by the council to represent public transit;

20.26 (7) ten elected officials of cities within the metropolitan area, including one
 20.27 representative from each first-class city, appointed by the Association of Metropolitan
 20.28 Municipalities;

20.29 (8) one member of the county board of each county in the seven-county metropolitan
 20.30 area, appointed by the respective county boards;

20.31 (9) eight citizens appointed by the council, one from each council precinct; and

20.32 (10) one elected official from a city participating in the replacement service program
 20.33 under section 473.388, appointed by the Suburban Transit Association; and

20.34 (11) one member of the council, appointed by the council.

20.35 (c) The council shall appoint a chair from among the members of the advisory body.

21.1 **EFFECTIVE DATE.** This section is effective the day following final enactment,
21.2 and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
21.3 Washington.

21.4 Sec. 33. **ENGINE BRAKES; REGULATION BY ST. PAUL.**

21.5 Notwithstanding any other law or charter provision, the governing body of the city
21.6 of St. Paul may by ordinance restrict or prohibit the use of an engine brake on motor
21.7 vehicles along Legislative Route No. 392, also known as marked Interstate Highway 94,
21.8 between Johnson Parkway and marked Trunk Highway 52. Upon notification by the city
21.9 of St. Paul to the commissioner of transportation of the city's adoption of the ordinance,
21.10 the commissioner of transportation shall erect the appropriate signs, with the cost of
21.11 the signs to be paid by the city. For purposes of this section, "engine brake" means any
21.12 device that uses the engine and transmission to impede the forward motion of the motor
21.13 vehicle by compression of the engine.

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

21.15 Sec. 34. **LEGISLATIVE ROUTE NO. 275 REMOVED.**

21.16 (a) Minnesota Statutes, section 161.115, subdivision 206, is repealed effective the
21.17 day after the commissioner of transportation receives a copy of the agreement between the
21.18 commissioner and the governing body of Lac qui Parle County to transfer jurisdiction
21.19 of Legislative Route No. 275 and after the commissioner notifies the revisor of statutes
21.20 under paragraph (b).

21.21 (b) The revisor of statutes shall delete the route identified in paragraph (a) from
21.22 Minnesota Statutes when the commissioner of transportation sends notice to the revisor
21.23 electronically or in writing that the conditions required to transfer the route have been
21.24 satisfied.

21.25 Sec. 35. **ALTERNATIVE DAMAGES APPRAISAL; OFFICE OF**
21.26 **ADMINISTRATIVE HEARINGS.**

21.27 (a) In lieu of a commissioners' hearing for award of damages under Minnesota
21.28 Statutes, section 117.075, the commissioner of transportation is authorized to petition the
21.29 court for a referral to the Office of Administrative Hearings. The court may refer the
21.30 matter to the Office of Administrative Hearing only if all parties in the project, including
21.31 condemnees, consent to the referral. Upon referral to the Office of Administrative
21.32 Hearings by the court, an administrative law judge shall conduct a hearing for the purpose
21.33 of determining and awarding damages. The hearing must be conducted in a manner

22.1 consistent with the contested case procedures under Minnesota Statutes, chapter 14.
 22.2 Minnesota Statutes, section 117.145, applies to an appeal of the administrative law judge's
 22.3 determination and award of damages.

22.4 (b) The commissioner of transportation may petition for a referral under paragraph
 22.5 (a) for up to five transportation projects.

22.6 (c) This section expires June 30, 2017.

22.7 Sec. 36. **REPORT BY COMMISSIONER OF TRANSPORTATION ON**
 22.8 **TOLLING.**

22.9 On or before January 2, 2016, the commissioner of transportation shall report to the
 22.10 chairs and ranking minority members of the senate and house of representatives committees
 22.11 and divisions with jurisdiction over transportation policy and finance concerning
 22.12 expanding the use of tolling in Minnesota in order to reduce congestion and raise revenue.

22.13 The report must be prepared with existing appropriations. At a minimum, the report must:

22.14 (1) summarize current state and federal laws that affect the use of tolling in this state;

22.15 (2) identify any federal pilot projects for which this state is eligible to participate;

22.16 (3) discuss the feasibility and cost of expanding use of tolling, the possibility of

22.17 private investment in toll roads, and projected costs and cost recovery in establishing,

22.18 operating, and maintaining toll roads;

22.19 (4) review tolling models and technology options;

22.20 (5) summarize the experience of other states that have widely implemented tolling;

22.21 (6) identify and evaluate specific corridors for feasibility of toll implementation;

22.22 (7) project the likely range of revenues that could be generated by wider

22.23 implementation of tolling and identify the percentage of revenues that are projected to be

22.24 paid by nonresidents of the state;

22.25 (8) discuss options for use of tolling revenue and measures to ensure compliance

22.26 with laws concerning operation of toll roads and use of revenues;

22.27 (9) recommend and discuss possible ways to reduce cost to Minnesotans, such as tax

22.28 deductions or credits, or types of discounts; and

22.29 (10) provide recommendations for needed statutory or rule changes that would

22.30 facilitate wider implementation of tolling and achieve maximum revenues for the state

22.31 and equity for its residents.

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

22.33 Sec. 37. **COST SHARE POLICY.**

23.1 The commissioner of transportation, in consultation with representatives of local
23.2 units of government, shall create and adopt a policy concerning cost participation
23.3 for cooperative construction projects and maintenance responsibilities between the
23.4 Department of Transportation and local units of government. The policy must minimize
23.5 the share of cooperative project costs to be funded by the local units of government,
23.6 while complying in all respects with the state constitutional requirements concerning
23.7 allowable uses of the trunk highway fund. The policy must be completed and adopted by
23.8 the commissioner no later than September 1, 2015.

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

23.10 Sec. 38. **ELECTRONIC STORAGE STANDARDS.**

23.11 On or before August 1, 2015, the commissioner of public safety shall establish
23.12 standards for the conversion by deputy registrars and driver's license agents to secure
23.13 electronic storage of certain records under Minnesota Statutes, sections 168.33,
23.14 subdivision 2, and 171.061, subdivision 3. The standards must specify minimum system
23.15 security requirements, as well as any procedural requirements for the destruction of
23.16 existing and new paper-based records, consistent with the requirements of Minnesota
23.17 Statutes, section 138.17.

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