

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 2199**

(SENATE AUTHORS: BIGHAM and Duckworth)

DATE  
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Introduction and first reading  
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to transit; establishing the Metropolitan Transportation Planning Board

1.3 as part of the Department of Transportation; eliminating the authority for

1.4 transportation and transit planning and construction from the Metropolitan Council;

1.5 requiring reports; appropriating money; amending Minnesota Statutes 2020, sections

1.6 16A.88, subdivision 2; 473.145; 473.146, subdivision 1; 473.192, subdivision 2;

1.7 473.408, subdivision 2a; 473.449; proposing coding for new law in Minnesota

1.8 Statutes, chapter 473; proposing coding for new law as Minnesota Statutes, chapter

1.9 174B; repealing Minnesota Statutes 2020, sections 174.35; 473.146, subdivisions

1.10 3, 4; 473.1466; 473.168; 473.371; 473.375, subdivision 9a; 473.391, subdivision

1.11 2; 473.399, subdivisions 1, 1a; 473.3993; 473.3994, subdivisions 1a, 2, 3, 4, 5, 7,

1.12 8, 9, 10, 14; 473.3995; 473.3997; 473.3999; 473.405, subdivisions 1, 3, 4, 5, 9,

1.13 10, 15; 473.4052; 473.41; 473.411, subdivisions 3, 4, 5; 473.4485.

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

1.15 Section 1. Minnesota Statutes 2020, section 16A.88, subdivision 2, is amended to read:

1.16 Subd. 2. **Metropolitan area transit account.** (a) The metropolitan area transit account

1.17 is established within the transit assistance fund in the state treasury. All money in the account

1.18 is annually appropriated to the Metropolitan Council for the funding of transit systems

1.19 within the metropolitan area under sections 473.384, 473.386, 473.387, 473.388, and 473.405

1.20 to 473.449.

1.21 (b) Notwithstanding paragraph (a), 0.75 percent of the money in the account is annually

1.22 appropriated to the commissioner of transportation for metropolitan area transportation and

1.23 transit planning activities of the Metropolitan Transportation Planning Board under chapter

1.24 174B.

2.1 Sec. 2. **[174B.01] DEFINITIONS.**

2.2 Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the  
2.3 meanings given, except as otherwise expressly provided or indicated by the context.

2.4 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of transportation.

2.5 Subd. 3. **Department.** "Department" means the Department of Transportation.

2.6 Subd. 4. **Metropolitan area.** "Metropolitan area" has the meaning given in section  
2.7 473.121.

2.8 Subd. 5. **Metropolitan Council.** "Metropolitan Council" means the Metropolitan Council  
2.9 established by section 473.123.

2.10 Subd. 6. **Metropolitan Transportation Planning Board or board.** "Metropolitan  
2.11 Transportation Planning Board" or "board" means the Metropolitan Transportation Planning  
2.12 Board that is established in section 174B.02.

2.13 Sec. 3. **[174B.02] METROPOLITAN TRANSPORTATION PLANNING BOARD.**

2.14 (a) The Metropolitan Transportation Planning Board is established as an independent  
2.15 entity within the department. The commissioner must provide administrative support to the  
2.16 board. The board is comprised of the following members:

2.17 (1) the commissioner or the commissioner's designee;

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

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

2.20 (4) one person appointed by the board to represent nonmotorized transportation;

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

2.23 (6) two persons appointed by the board to represent public transit;

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

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

2.28 (9) eight citizens appointed by the board;

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

3.1 (11) one member of the Metropolitan Council appointed by the chair of the council.

3.2 (b) The Metropolitan Transportation Planning Board is the designated planning agency  
3.3 for any long-range comprehensive transportation planning required by section 134 of the  
3.4 Federal Highway Act of 1962, section 4 of the Urban Mass Transportation Act of 1964,  
3.5 section 112 of the Federal Aid Highway Act of 1973, and other federal transportation laws.  
3.6 The board shall assure administration and coordination of transportation planning with  
3.7 appropriate state, regional, and other agencies, counties, and municipalities. The board shall  
3.8 be responsible for all transportation and transit planning in the metropolitan area. The board  
3.9 and the department shall be responsible for the construction of transit infrastructure in the  
3.10 metropolitan area. The board must not be responsible for the operation and maintenance of  
3.11 public transit facilities.

3.12 (c) The board is responsible for determining regular route bus service to be operated by  
3.13 the Metropolitan Council. The board must, before making a determination to eliminate or  
3.14 reduce service on existing transit routes, consider:

3.15 (1) the level of subsidy per passenger on each route;

3.16 (2) the availability and proximity of alternative transit routes; and

3.17 (3) the percentage of transit-dependent riders, including youth, elderly, low-income, and  
3.18 disabled riders currently using each route.

3.19 **Sec. 4. [174B.03] POWERS.**

3.20 Subdivision 1. **General.** The board has the powers and duties prescribed by this chapter  
3.21 and all powers necessary or convenient to discharge its duties. When exercising the powers  
3.22 granted in this section, the board is not subject to approval of the commissioner unless  
3.23 explicitly provided otherwise.

3.24 Subd. 2. **Condemnation.** The board may for transit purposes acquire property, franchises,  
3.25 easements, or property rights or interests of any kind by condemnation proceedings pursuant  
3.26 to chapter 117. Except as provided in subdivision 5, the board may take possession of any  
3.27 property for which condemnation proceedings have been commenced at any time after the  
3.28 filing of the petition describing the property in the proceedings. The board may contract  
3.29 with an operator or other persons for the use by the operator or person of any property under  
3.30 the board's control.

3.31 Subd. 3. **Transit systems.** The board may engineer, construct, and equip transit and  
3.32 paratransit systems, projects, or any parts thereof, including road lanes or rights-of-way,  
3.33 terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other

4.1 facilities useful for or related to any public transit or paratransit system or project. The  
4.2 Metropolitan Council may sell or lease naming rights with regard to light rail transit stations  
4.3 and apply revenues from sales or leases to light rail transit operating costs.

4.4 Subd. 4. **Acquisition of transit systems.** The board may acquire by purchase, lease,  
4.5 gift, or condemnation proceedings any existing public transit system or any part thereof,  
4.6 including all or any part of the plant; equipment; shares of stock; property, real, personal,  
4.7 or mixed; rights in property; reserve funds; special funds; franchises; licenses; patents;  
4.8 permits and papers; and documents and records belonging to any operator of a public transit  
4.9 system within the metropolitan area and may in connection therewith assume any or all  
4.10 liabilities of any operator of a public transit system. The board may take control of a system  
4.11 immediately following the filing and approval of the initial petition for condemnation, if  
4.12 the board, in its discretion, determines this to be necessary, and may take possession of all  
4.13 right, title, and other powers of ownership in all properties and facilities described in the  
4.14 petition. Control must be taken by resolution that is effective upon service of a copy on the  
4.15 condemnee and filing of the resolution in the condemnation action. In the determination of  
4.16 the fair value of the existing public transit system, there must not be included any value  
4.17 attributable to expenditures for improvements made by the former Metropolitan Transit  
4.18 Commission. If the board acquires another public transit system, the board must turn the  
4.19 operations of the system over to the Metropolitan Council.

4.20 Subd. 5. **Condemnation of public or public service corporation property.** The fact  
4.21 that property is owned by or is in charge of a public agency or a public service corporation  
4.22 organized for a purpose specified in section 301B.01, or is already devoted to a public use  
4.23 or to use by the corporation or was acquired therefore by condemnation, may not prevent  
4.24 its acquisition by the board by condemnation. However, if the property is in actual public  
4.25 use or in actual use by the corporation for any purpose of interest or benefit to the public,  
4.26 the taking by the board by condemnation may not be authorized unless the court finds and  
4.27 determines that there is greater public necessity for the proposed use by the board than for  
4.28 the existing use.

4.29 Subd. 6. **Voluntary transfer of public property.** Any state department or other agency  
4.30 of the state government or any county, municipality, or other public agency may sell, lease,  
4.31 grant, transfer, or convey to the board, with or without consideration, any facilities or any  
4.32 part or parts thereof or any real or personal property or interest therein which may be useful  
4.33 to the board for any authorized purpose. In any case where the construction of a facility has  
4.34 not been completed, the public agency concerned may also transfer, sell, assign, and set

over to the board, with or without consideration, any existing contract for the construction of the facilities.

**Subd. 7. Relocation of displaced persons.** The board may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the board and may make relocation payments in accordance with federal regulations.

**Sec. 5. [174B.04] TRANSPORTATION ACCESSIBILITY ADVISORY COMMITTEE.**

The board shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the board on the development and management of policies regarding accessibility of all aspects of fixed regular route and special transportation services for persons with disabilities. The Transportation Accessibility Advisory Committee shall also advise the board on long-range plans to meet the accessible transportation needs of the disability community. The Transportation Accessibility Advisory Committee must include elderly persons, persons with disabilities, other users of special transportation services, and representatives of appropriate agencies for elderly persons and persons with disabilities. At least half of the Transportation Accessibility Advisory Committee members must be persons who are both Americans with Disabilities Act (ADA) certified and users of public transit in the metropolitan area. Two of the appointments to the Transportation Accessibility Advisory Committee must be made by the Council on Disability in consultation with the chair of the board.

**Sec. 6. [174B.05] TRANSPORTATION POLICY PLAN.**

(a) The board shall adopt a long-range comprehensive policy plan for transportation in the metropolitan area. The plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters for the metropolitan area and appropriate subareas;

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

(3) a statement of the board's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served and the levels,

distribution, and staging of services; a general description of the facility systems required to support the services; the estimated cost of improvements required to achieve the board's goals for the regional systems, including an analysis of what portion of the funding for each improvement is proposed to come from the state, Metropolitan Council levies, and cities, counties, and towns in the metropolitan area, respectively; and other similar matters;

(4) a statement of policies to effectuate the board's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the board's plan, including a statement of:

(i) the resources available under existing fiscal policy;

(ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs;

(iii) additional resources, if any, that are or may be required to effectuate the board's goals, objectives, and priorities; and

(iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids, respectively, that are expected or that the board has recommended or may recommend;

(6) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.871; and

(7) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency and function covered by the policy plan.

(b) The nontransit element of the transportation policy plan must include the following:

(1) a statement of the needs and problems of the metropolitan area with respect to the functions covered, including the present and prospective demand for and constraints on access to regional business concentrations and other major activity centers and the constraints on and acceptable levels of development and vehicular trip generation at such centers;

(2) the objectives of and the policies to be forwarded by the policy plan;

(3) a general description of the physical facilities and services to be developed;

(4) a statement as to the general location of physical facilities and service areas;

(5) a general statement of timing and priorities in the development of those physical facilities and service areas;

(6) a detailed statement, updated every two years, of timing and priorities for improvements and expenditures needed on the metropolitan highway system;

7.1 (7) a general statement on the level of public expenditure appropriate to the facilities;  
7.2 and

7.3 (8) a long-range assessment of air transportation trends and factors that may affect airport  
7.4 development in the metropolitan area and policies and strategies that will ensure a  
7.5 comprehensive, coordinated, and timely investigation and evaluation of alternatives for  
7.6 airport development.

7.7 (c) The board shall develop the nontransit element in consultation with the commissioner,  
7.8 the Metropolitan Airports Commission, and cities having an airport located within or adjacent  
7.9 to its corporate boundaries. The board shall also take into consideration the airport  
7.10 development and operations plans and activities of the Metropolitan Airports Commission.

7.11 (d) Prior to each major revision of the transportation policy plan, the board must carry  
7.12 out a performance evaluation of the metropolitan area's transportation system as a whole.  
7.13 The performance evaluation must:

7.14 (1) evaluate the area's ability to meet the need for effective and efficient transportation  
7.15 of goods and people;

7.16 (2) evaluate trends and their impacts on the area's transportation system;

7.17 (3) assess the region's success in meeting the currently adopted regional transportation  
7.18 benchmarks; and

7.19 (4) include an evaluation of the regional transit system, including a comparison with  
7.20 peer metropolitan regions with regard to key operating and investment measurements.

7.21 (e) The board must update the evaluation of the regional transit system every two years.  
7.22 After each update, the board must transmit the evaluation to the commissioner and to the  
7.23 Metropolitan Council.

7.24 (f) The board shall use the results of the performance evaluation to make  
7.25 recommendations for improving the system in each revision of the transportation policy  
7.26 plan.

7.27 (g) The board must conduct a peer review of the performance evaluation using at least  
7.28 two nationally recognized transportation and transit consultants.

7.29 (h) The board must submit the performance evaluation to the chairs and ranking minority  
7.30 members of the legislative committees and divisions with jurisdiction over transportation  
7.31 finance and policy.

8.1       Sec. 7. **[174B.06] TRANSITWAYS; LIGHT RAIL TRANSIT AND COMMUTER**  
8.2 **RAIL IN THE METROPOLITAN AREA.**

8.3       Subdivision 1. General requirements. (a) The board must identify in its transportation  
8.4 policy plan those heavily traveled corridors where development of a transitway may be  
8.5 feasible and cost-effective. Modes of providing service in a transitway may include bus  
8.6 rapid transit, light rail transit, commuter rail, or other available systems or technologies that  
8.7 improve transit service.

8.8       (b) After the completion of environmental studies and receipt of input from the governing  
8.9 body of each statutory and home rule charter city, county, and town in which a transitway  
8.10 is proposed to be constructed, the board must designate the locally preferred alternative  
8.11 transit mode with respect to the corridor.

8.12       (c) The board shall ensure that any light rail transit facilities that are designated as the  
8.13 locally preferred alternative and that are to be constructed in the metropolitan area will be  
8.14 acquired, developed, owned, and capable of operation in an efficient, cost-effective, and  
8.15 coordinated manner in coordination with buses and other transportation modes and facilities.

8.16       (d) Construction of light rail transit facilities in a particular transit corridor may not  
8.17 commence unless and until that mode is designated as the locally preferred alternative for  
8.18 that corridor by the board.

8.19       Subd. 2. Integrated transportation system. The board shall ensure that light rail transit  
8.20 and commuter rail facilities are planned, designed, and implemented: (1) to move commuters  
8.21 and transit users into and out of, as well as within, the metropolitan area; and (2) to ensure  
8.22 that rail transit lines will interface with each other and other transportation facilities and  
8.23 services so as to provide a unified, integrated, and efficient multimodal transportation system.

8.24       Sec. 8. **[174B.07] LIGHT RAIL TRANSIT CONSTRUCTION; AUTHORITY.**

8.25       The board may exercise the powers granted in this chapter and in other applicable law,  
8.26 as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the  
8.27 metropolitan area.

8.28       Sec. 9. **[174B.08] LIGHT RAIL TRANSIT FACILITY PLANS; DEFINITIONS.**

8.29       Subdivision 1. Application. The definitions in this section apply to sections 174B.06  
8.30 to 174B.09.

8.31       Subd. 2. Final design plan. (a) "Final design plan" means a light rail transit plan that  
8.32 includes the items in the preliminary design plan and the preliminary engineering plan for



9.1 the facilities proposed but with greater detail and specificity needed for construction. The  
9.2 final design plan must include, at a minimum:

9.3 (1) final plans for the physical design of facilities, including the right-of-way definition;  
9.4 environmental impacts and mitigation measures; intermodal coordination with bus operations  
9.5 and routes; and civil engineering plans for vehicles, track, stations, parking, and access,  
9.6 including disability access; and

9.7 (2) final plans for civil engineering for electrification, communication, and other similar  
9.8 facilities; operational rules, procedures, and strategies; capital costs; ridership; operating  
9.9 costs and revenues and sources of funds for operating subsidies; financing for construction  
9.10 and operation; an implementation method; and other similar matters.

9.11 (b) The final design plan must be stated with sufficient particularity and detail to allow  
9.12 the proposer to begin the acquisition and construction of operable facilities. If a design-build  
9.13 implementation method is proposed, instead of civil engineering plans the final design plan  
9.14 must state detailed design criteria and performance standards for the facilities.

9.15 Subd. 3. **Preliminary design plan.** "Preliminary design plan" means a light rail transit  
9.16 plan that identifies:

9.17 (1) preliminary plans for the physical design of facilities, including location, length, and  
9.18 termini of routes; general dimension, elevation, alignment, and character of routes and  
9.19 crossings; whether the track is elevated, on the surface, or below ground; approximate station  
9.20 locations; related park and ride, parking, and other transportation facilities; and a plan for  
9.21 disability access; and

9.22 (2) preliminary plans for intermodal coordination with bus operations and routes;  
9.23 ridership; capital costs; operating costs and revenues and sources of funds for operating  
9.24 subsidies; funding for final design, construction, and operation; and an implementation  
9.25 method.

9.26 The preliminary design plan includes the preliminary or draft environmental impact statement  
9.27 for the light rail transit facilities proposed.

9.28 Subd. 4. **Preliminary engineering plan.** "Preliminary engineering plan" means a light  
9.29 rail transit plan that includes the items in the preliminary design plan for the facilities  
9.30 proposed for construction but with greater detail and specificity to satisfy final environmental  
9.31 impact statement requirements.

10.1 Subd. 5. **Responsible authority.** "Responsible authority" means either the board or the  
10.2 state of Minnesota acting through the commissioner of transportation, as designated by the  
10.3 governor under section 174B.09, subdivision 1, for a particular light rail transit facility.

10.4 Sec. 10. **[174B.09] LIGHT RAIL TRANSIT; DESIGN PLANS.**

10.5 Subdivision 1. **Designation of responsible authority.** For each proposed light rail transit  
10.6 facility in the metropolitan area, the governor must designate either the board or state of  
10.7 Minnesota acting through the commissioner of transportation as the entity responsible for  
10.8 planning, designing, acquiring, constructing, and equipping the facility. Notwithstanding  
10.9 such designation, the responsible authority may enter into one or more cooperative  
10.10 agreements with respect to the planning, designing, acquiring, constructing, or equipping  
10.11 of a particular light rail transit facility that provide for the parties to exercise their respective  
10.12 authorities in support of the project in a manner that best serves the project and the public.  
10.13 The commissioner shall not spend state funds to study light rail transit unless the funds are  
10.14 appropriated in legislation that identifies the route, including the origin and destination.

10.15 Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are  
10.16 prepared for a light rail transit facility in the metropolitan area, the responsible authority  
10.17 and the regional railroad authority or authorities in whose jurisdiction the line or lines are  
10.18 located must hold a public hearing on the physical design component of the preliminary  
10.19 design plans. The responsible authority and the regional railroad authority or authorities in  
10.20 whose jurisdiction the line or lines are located must provide appropriate public notice of  
10.21 the hearing and publicity to ensure that affected parties have an opportunity to present their  
10.22 views at the hearing. The responsible authority shall summarize the proceedings and  
10.23 testimony and maintain the record of a hearing held under this section, including any written  
10.24 statements submitted.

10.25 Subd. 3. **Preliminary design plans; local approval.** At least 30 days before the hearing  
10.26 under subdivision 2, the responsible authority shall submit the physical design component  
10.27 of the preliminary design plans to the governing body of each statutory and home rule charter  
10.28 city, county, and town in which the route is proposed to be located. The city, county, or  
10.29 town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the  
10.30 city, county, or town shall review and approve or disapprove the plans for the route to be  
10.31 located in the city, county, or town. A local unit of government that disapproves the plans  
10.32 shall describe specific amendments to the plans that, if adopted, would cause the local unit  
10.33 to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45

11.1 days after the hearing is deemed to be approval, unless an extension of time is agreed to by  
11.2 the city, county, or town and the responsible authority.

11.3 Subd. 4. **Preliminary design plans; board hearing.** If the governing body of one or  
11.4 more cities, counties, or towns disapproves the preliminary design plans within the period  
11.5 allowed under subdivision 3, the board shall hold a hearing on the plans, giving the  
11.6 commissioner of transportation, if the responsible authority, any disapproving local  
11.7 governmental units, and other persons an opportunity to present their views on the plans.  
11.8 The responsible authority may conduct an independent study as it deems desirable and may  
11.9 mediate and attempt to resolve disagreements about the plans. Within 60 days after the  
11.10 hearing, the board shall review the plans and shall decide what amendments to the plans,  
11.11 if any, must be made to accommodate the objections presented by the disapproving local  
11.12 governmental units. Amendments to the plans as decided by the board must be made before  
11.13 continuing the planning and designing process.

11.14 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change  
11.15 from the preliminary design plans with respect to location, length, or termini of routes;  
11.16 general dimension, elevation, or alignment of routes and crossings; location of tracks above  
11.17 ground, below ground, or at ground level; or station locations, before beginning construction  
11.18 the responsible authority shall submit the changed component of the final design plans to  
11.19 the governing body of each statutory and home rule city, county, and town in which the  
11.20 changed component is proposed to be located. Within 60 days after the submission of the  
11.21 plans, the city, county, or town shall review and approve or disapprove the changed  
11.22 component located in the city, county, or town. A local unit of government that disapproves  
11.23 the change shall describe specific amendments to the plans that, if adopted, would cause  
11.24 the local unit to withdraw its disapproval. Failure to approve or disapprove the changed  
11.25 plans in writing within the time period is deemed to be approval, unless an extension is  
11.26 agreed to by the city, county, or town and the responsible authority.

11.27 (b) If the governing body of one or more cities, counties, or towns disapproves the  
11.28 changed plans within the period allowed under paragraph (a), the board shall review the  
11.29 final design plans under the same procedure and with the same effect as provided in  
11.30 subdivision 4 for preliminary design plans.

11.31 Subd. 6. **Board review.** If the commissioner is the responsible authority, before  
11.32 proceeding with construction of a light rail transit facility, the commissioner must submit  
11.33 preliminary and final design plans to the board. The board must review the plans for  
11.34 consistency with the board's development guide and approve the plans.

12.1 Subd. 7. **Light rail transit operating costs.** (a) Before submitting an application for  
12.2 federal assistance for light rail transit facilities in the metropolitan area, the board, in  
12.3 consultation with the Metropolitan Council, must prepare an estimate of the amount of  
12.4 operating subsidy which will be required to operate light rail transit in the corridor to which  
12.5 the federal assistance would be applied. The estimate must indicate the amount of operating  
12.6 subsidy estimated to be required in each of the first ten years of operation of the light rail  
12.7 transit facility. If the commissioner is the responsible authority, the commissioner must  
12.8 provide information requested by the board that is necessary to make the estimate.

12.9 (b) The board must review and evaluate the estimate developed under paragraph (a) with  
12.10 regard to the effect of operating the light rail transit facility on the currently available  
12.11 mechanisms for financing transit in the metropolitan area.

12.12 Subd. 8. **Corridor Management Committee.** (a) The responsible authority must establish  
12.13 a Corridor Management Committee to advise the responsible authority in the design and  
12.14 construction of light rail transit in each corridor to be constructed. The Corridor Management  
12.15 Committee for each corridor shall consist of the following members:

12.16 (1) one member appointed by each city and county in which the corridor is located;

12.17 (2) the commissioner of transportation or a designee of the commissioner;

12.18 (3) the chair of the Metropolitan Council;

12.19 (4) one member appointed by the board;

12.20 (5) one member appointed by the Metropolitan Airports Commission, if the designated  
12.21 corridor provides direct service to the Minneapolis-St. Paul International Airport; and

12.22 (6) one member appointed by the president of the University of Minnesota, if the  
12.23 designated corridor provides direct service to the university.

12.24 (b) The Corridor Management Committee shall advise the responsible authority on issues  
12.25 relating to environmental review, preliminary design, preliminary engineering, final design,  
12.26 implementation method, and construction of light rail transit in the corridor.

12.27 Subd. 9. **Transfer of facility after construction.** The responsible authority must transfer  
12.28 to the Metropolitan Council all facilities constructed and all equipment and property acquired  
12.29 in developing the facility upon completion of construction.

12.30 Sec. 11. **[174B.10] LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.**

12.31 (a) A responsible authority may use a design-build method of project development and  
12.32 construction for light rail transit. Notwithstanding any law to the contrary, a responsible

authority may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

(b) If a responsible authority utilizes a design-build method of project development and construction for light rail transit, the requirements and procedures in sections 161.3410 to 161.3426 apply to the procurement, subject to the following conditions and exceptions:

(1) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to the procurement; and

(2) if any federal funds are used in developing or constructing the light rail transit project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or prohibited by, any federal law, regulation, or other requirement are not applicable to the procurement.

Sec. 12. **[174B.11] FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

(a) Upon completion of the alternatives analysis and draft environmental impact statement and selection of the locally preferred alternative, for each light rail transit facility the responsible authority may prepare an application for federal assistance for the light rail transit facility. The application must be reviewed and approved by the board before it is submitted by the commissioner. In reviewing the application the board must consider the operating cost estimate developed under section 174B.09, subdivision 7.

(b) Except for the designated responsible authority for a particular light rail transit facility, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

Sec. 13. **[174B.12] RIGHT-OF-WAY USE; CONTRACTS; LIABILITY.**

Subdivision 1. **Contracts for joint or shared use.** (a) The location of light rail transit in a shared corridor that is within or adjacent to right-of-way used for freight rail purposes is a public purpose.

(b) The board, a metropolitan county, or a public entity contracting with the board or county may contract with a railroad for: (1) the use of right-of-way for light rail transit and freight rail purposes; or (2) the construction, operation, or maintenance of rail track, facilities, or services for light rail transit and freight rail purposes in a shared corridor that is within or adjacent to the right-of-way.

14.1 (c) Notwithstanding any law to the contrary, a contract under paragraph (b) may also  
14.2 provide for the allocation of financial responsibility, indemnification, and the procurement  
14.3 of insurance for the parties for all types of claims or damages.

14.4 (d) A contract entered into under this section does not affect rights of employees under  
14.5 the federal Employers' Liability Act, United States Code, title 45, section 51 et seq., or the  
14.6 federal Railway Labor Act, United States Code, title 45, section 151 et seq.

14.7 Subd. 2. **Liability.** Notwithstanding any law to the contrary, a railroad and its employees  
14.8 operating within a shared corridor as described in subdivision 1 have the same limits to  
14.9 liability for all types of claims or damages as provided to a municipality under sections  
14.10 466.04 and 466.06 in an action arising from or related to an incident occurring within, along,  
14.11 or adjacent to the shared corridor. The liability limits under this subdivision apply when the  
14.12 claims or damages would not have occurred but for light rail transit, including but not limited  
14.13 to light rail transit track, facilities, services, construction, improvements, maintenance, and  
14.14 operations.

14.15 Subd. 3. **Insurance.** (a) Where the board and the railroad have entered into a contract  
14.16 pursuant to subdivision 1, the board must procure insurance as commercially available that  
14.17 is consistent with the amount of the damages limitation established under United States  
14.18 Code, title 49, section 28103(a)(2), as indexed under Fixing America's Surface Transportation  
14.19 Act, Public Law 114-94, section 11415.

14.20 (b) The board must procure insurance required by paragraph (a) so that it is in place and  
14.21 effective when light rail vehicles are operating during prerevenue testing and revenue service.  
14.22 This minimum insurance requirement is satisfied by an overall railroad liability policy  
14.23 covering all of the board's railroad obligations, and a separate policy is not required for each  
14.24 freight railroad or each project.

14.25 (c) Procurement of insurance as required by this subdivision constitutes a waiver of the  
14.26 liability limits for the railroad and the board under sections 466.04 and 466.06 only to the  
14.27 extent that the insurance procured by the board pays the claim on an incident that occurred  
14.28 within, along, or adjacent to the shared corridor.

14.29 (d) Insurance procured by the railroad itself shall not create or be construed to be a  
14.30 waiver of the liability limits for the railroad established under subdivision 2.

14.31 Subd. 4. **Application.** The liability limits under subdivision 2 and the insurance  
14.32 requirements under subdivision 3 apply only for that segment of a light rail transit line or  
14.33 line extension in which the project formally entered the engineering phase of the Federal

15.1 Transit Administration's "New Starts" capital investment grant program between August 1,  
15.2 2016, and December 31, 2016.

15.3 Sec. 14. **[174B.13] TRANSIT SHELTERS AND STOPS.**

15.4 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
15.5 the meanings given.

15.6 (b) "Transit authority" means:

15.7 (1) a statutory or home rule charter city, with respect to rights-of-way at bus stop and  
15.8 train stop locations, transit shelters, and transit passenger seating facilities owned by the  
15.9 city or established pursuant to a vendor contract with the city;

15.10 (2) the board, with respect to transit shelters and transit passenger seating facilities owned  
15.11 by the board or established pursuant to a vendor contract with the board; or

15.12 (3) a replacement service provider under section 473.388, with respect to rights-of-way  
15.13 at bus stop and train stop locations, transit shelters, and transit passenger seating facilities  
15.14 owned by the provider or established pursuant to a vendor contract with the provider.

15.15 (c) "Transit shelter" means a wholly or partially enclosed structure provided for public  
15.16 use as a waiting area in conjunction with light rail transit, bus rapid transit, or regular route  
15.17 transit.

15.18 Subd. 2. Design. (a) A transit authority shall establish design specifications for  
15.19 establishment and replacement of its transit shelters, which must include:

15.20 (1) engineering standards, as appropriate;

15.21 (2) maximization of protection from the wind, snow, and other elements;

15.22 (3) to the extent feasible, inclusion of warming capability at each shelter in which there  
15.23 is a proportionally high number of transit service passenger boardings; and

15.24 (4) full accessibility for the elderly and persons with disabilities.

15.25 (b) The board shall consult with the Transportation Accessibility Advisory Committee.

15.26 Subd. 3. Maintenance. A transit authority shall ensure transit shelters are maintained  
15.27 in good working order and are accessible to all users of the transit system. This requirement  
15.28 includes but is not limited to:

15.29 (1) keeping transit shelters reasonably clean and free from graffiti; and

(2) removing snow and ice in a manner that provides accessibility for the elderly and persons with disabilities to be able to enter and exit transit shelters and board and exit trains at each stop.

Sec. 15. **[174B.14] METROPOLITAN AREA TRANSIT INVESTMENT.**

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

(b) "Budget activity" includes but is not limited to environmental analysis, land acquisition, easements, design, preliminary and final engineering, acquisition of vehicles and rolling stock, track improvement and rehabilitation, and construction.

(c) "Busway" means a form of bus service provided to the public on a regular and ongoing basis, including arterial or highway bus rapid transit, that (1) compared to other regular route bus service, provides reduced travel time and uses distinct bus stop or station amenities, and (2) does not primarily or substantially operate within separated rights-of-way.

(d) "Guideway" means a form of transportation service provided to the public on a regular and ongoing basis that primarily or substantially operates within separated rights-of-way or operates on rails, and includes:

(1) each line for intercity passenger rail, commuter rail, light rail transit, and streetcars;

(2) as applicable, each line for dedicated bus service, which may include arterial or highway bus rapid transit, limited stop bus service, and express bus service; and

(3) any intermodal facility serving two or more lines identified in clauses (1) and (2).

Guideway does not include a busway.

(e) "Local unit of government" means a county, statutory or home rule charter city, town, or other political subdivision, including but not limited to a regional railroad authority or joint powers board.

(f) "Separated rights-of-way" includes exclusive, dedicated, or primary use of a right-of-way by the public transportation service. Separated rights-of-way does not include a shoulder, dynamic shoulder lane, or priced lane under section 160.93.

(g) "Sources of funds" includes but is not limited to money from federal aid, state appropriations, the Metropolitan Council, special taxing districts, local units of government, farebox recovery, and nonpublic sources.



Subd. 2. **Guideway capital project requests to legislature.** A state agency or local unit of government that submits a request to the legislature to obtain state funds for a guideway project shall, as part of the request, provide a summary financial plan for the project that presents the following information as reflected by the data and level of detail available in the latest phase of project development:

(1) capital expenditures and funding sources for the project, including expenditures to date and total projected or estimated expenditures, with a breakdown by committed and proposed sources of funds; and

(2) estimated annual operations and maintenance expenditures for the project, with a breakdown by committed and proposed sources of funds.

Subd. 3. **Legislative report.** (a) By October 15 in every even-numbered year, the board must prepare, in collaboration with the commissioner and the chair of the Metropolitan Council, a report on comprehensive transit finance in the metropolitan area. The board must submit the report electronically to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance.

(b) The report must be structured to provide financial information in six-month increments corresponding to state and local fiscal years and must use consistent assumptions and methodologies. The report must comprehensively identify all funding sources and expenditures related to transit in the metropolitan area, including but not limited to:

(1) sources and uses of funds from regional railroad authorities, joint powers agreements, counties, and cities;

(2) expenditures for transit planning, feasibility studies, alternatives analysis, and other transit project development; and

(3) expenditures for guideways, busways, regular route bus service, demand-response service, and special transportation service under section 473.386.

(c) The report must include a section that summarizes the status of: (1) guideways in revenue operation; and (2) guideway projects (i) currently in study, planning, development, or construction; (ii) identified in the transportation policy plan under section 473.146; or (iii) identified in the comprehensive statewide freight and passenger rail plan under section 174.03, subdivision 1b.

(d) At a minimum, the guideways status section of the report must provide, for each guideway project wholly or partially in the metropolitan area:

(1) a brief description of the project, including projected ridership;

- 18.1 (2) a summary of the overall status and current phase of the project;
- 18.2 (3) a timeline that includes (i) project phases or milestones, including any federal
- 18.3 approvals; (ii) expected and known dates of commencement of each phase or milestone;
- 18.4 and (iii) expected and known dates of completion of each phase or milestone;
- 18.5 (4) a brief progress update on specific project phases or milestones completed since the
- 18.6 last previous submission of a report under this subdivision; and
- 18.7 (5) a summary financial plan that identifies, as reflected by the data and level of detail
- 18.8 available in the latest phase of project development and to the extent available:
- 18.9 (i) capital expenditures, including expenditures to date and total projected expenditures,
- 18.10 with a breakdown by committed and proposed sources of funds for the project;
- 18.11 (ii) estimated annual operations and maintenance expenditures reflecting the level of
- 18.12 detail available in the current phase of the project development, with a breakdown by
- 18.13 committed and proposed sources of funds for the project; and
- 18.14 (iii) if feasible, project expenditures by budget activity.
- 18.15 (e) The report must include a section that summarizes the status of: (1) busways in
- 18.16 revenue operation; and (2) busway projects currently in study, planning, development, or
- 18.17 construction.
- 18.18 (f) The report must include a section that identifies the total ridership, farebox recovery
- 18.19 ratio, and per-passenger operating subsidy for: (1) each route and line in revenue operation
- 18.20 by a transit provider, including guideways, busways, and regular route bus service; and (2)
- 18.21 demand-response service and special transportation service. The section must provide data,
- 18.22 as available, on a per-passenger mile basis and must provide information for at least the
- 18.23 previous three years. The section must identify performance standards for farebox recovery
- 18.24 and identify each route and line that does not meet the standards.
- 18.25 (g) The report must also include a systemwide capacity analysis for transit operations
- 18.26 and investment in expansion and maintenance that:
- 18.27 (1) provides a funding projection, annually over the ensuing ten years, and with a
- 18.28 breakdown by committed and proposed sources of funds, of:
- 18.29 (i) total capital expenditures for guideways and for busways;
- 18.30 (ii) total operations and maintenance expenditures for guideways and for busways;
- 18.31 (iii) total funding available for guideways and for busways, including from projected or
- 18.32 estimated farebox recovery; and

19.1 (iv) total funding available for transit service in the metropolitan area; and

19.2 (2) evaluates the availability of funds and distribution of sources of funds for guideway  
19.3 and for busway investments.

19.4 (h) The capacity analysis under paragraph (g) must include all guideway and busway  
19.5 lines for which public funds are reasonably expected to be expended in planning,  
19.6 development, construction, revenue operation, or capital maintenance during the ensuing  
19.7 ten years.

19.8 (i) Local units of government must provide assistance and information in a timely manner  
19.9 as requested by the commissioner or board for completion of the report.

19.10 Sec. 16. **[174B.15] POLICY; GOALS.**

19.11 Subdivision 1. **Policy.** The legislature finds that, for the provision of essential mobility  
19.12 and transportation options in the metropolitan area, for the encouragement of alternatives  
19.13 to the single-occupant vehicle, and for the development of transportation service designed  
19.14 to meet public needs efficiently and effectively, there is a need for the creation of transit  
19.15 programs in the metropolitan area.

19.16 Subd. 2. **Goals.** The goals of this chapter are as follows:

19.17 (1) to provide to the greatest feasible extent a basic level of mobility for all people in  
19.18 the metropolitan area;

19.19 (2) to arrange to the greatest feasible extent for the provision of a comprehensive set of  
19.20 transit and paratransit services to meet the needs of all people in the metropolitan area;

19.21 (3) to cooperate with private and public transit providers to assure the most efficient and  
19.22 coordinated use of existing and planned transit resources; and

19.23 (4) to maintain public mobility in the event of emergencies or energy shortages.

19.24 Sec. 17. Minnesota Statutes 2020, section 473.145, is amended to read:

19.25 **473.145 DEVELOPMENT GUIDE.**

19.26 The Metropolitan Council shall prepare and adopt, after appropriate study and such  
19.27 public hearings as may be necessary, a comprehensive development guide for the  
19.28 metropolitan area. It shall consist of a compilation of policy statements, goals, standards,  
19.29 programs, and maps prescribing guides for the orderly and economical development, public  
19.30 and private, of the metropolitan area. The comprehensive development guide shall recognize  
19.31 and encompass physical, social, or economic needs of the metropolitan area and those future

20.1 developments which will have an impact on the entire area including but not limited to such  
20.2 matters as land use, parks and open space land needs, the necessity for and location of  
20.3 airports, highways, transit facilities, public hospitals, libraries, schools, and other public  
20.4 buildings. The development guide must be consistent with the plans adopted by the  
20.5 Metropolitan Transportation Planning Board.

20.6 Sec. 18. Minnesota Statutes 2020, section 473.146, subdivision 1, is amended to read:

20.7 Subdivision 1. **Requirement.** The council shall adopt a long-range comprehensive policy  
20.8 plan for ~~transportation and~~ wastewater treatment. The ~~plans~~ plan must substantially conform  
20.9 to all policy statements, purposes, goals, standards, and maps in the development guide  
20.10 developed and adopted by the council under this chapter. ~~Each~~ The policy plan must include,  
20.11 to the extent appropriate to the functions, services, and systems covered, the following:

20.12 (1) forecasts of changes in the general levels and distribution of population, households,  
20.13 employment, land uses, and other relevant matters, for the metropolitan area and appropriate  
20.14 subareas;

20.15 (2) a statement of issues, problems, needs, and opportunities with respect to the functions,  
20.16 services, and systems covered;

20.17 (3) a statement of the council's goals, objectives, and priorities with respect to the  
20.18 functions, services, and systems covered, addressing areas and populations to be served,  
20.19 the levels, distribution, and staging of services; a general description of the facility systems  
20.20 required to support the services; the estimated cost of improvements required to achieve  
20.21 the council's goals for the regional systems, including an analysis of what portion of the  
20.22 funding for each improvement is proposed to come from the state, Metropolitan Council  
20.23 levies, and cities, counties, and towns in the metropolitan area, respectively, and other  
20.24 similar matters;

20.25 (4) a statement of policies to effectuate the council's goals, objectives, and priorities;

20.26 (5) a statement of the fiscal implications of the council's plan, including a statement of:  
20.27 (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under  
20.28 existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if  
20.29 any, that are or may be required to effectuate the council's goals, objectives, and priorities;  
20.30 and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental  
20.31 aids respectively, that are expected or that the council has recommended or may recommend;

20.32 (6) a statement of the relationship of the policy plan to other policy plans and chapters  
20.33 of the Metropolitan Development Guide;

21.1 (7) a statement of the relationships to local comprehensive plans prepared under sections  
21.2 473.851 to 473.871; and

21.3 (8) additional general information as may be necessary to develop the policy plan or as  
21.4 may be required by the laws relating to the metropolitan agency and function covered by  
21.5 the policy plan.

21.6 Sec. 19. Minnesota Statutes 2020, section 473.192, subdivision 2, is amended to read:

21.7 Subd. 2. **Definitions.** For purposes of this section, "metropolitan area" has the meaning  
21.8 given it in section 473.121, subdivision 2. "Transportation policy plan" means the plan  
21.9 adopted by the Metropolitan Council Transportation Planning Board pursuant to section  
21.10 ~~473.145~~ 174B.05. "Municipality" has the meaning provided by section 462.352, subdivision  
21.11 2.

21.12 Sec. 20. **[473.372] COOPERATION WITH METROPOLITAN TRANSPORTATION**  
21.13 **PLANNING BOARD.**

21.14 The council must cooperate with the Metropolitan Transportation Planning Board  
21.15 established in section 174B.02. Upon request of the board, the council shall provide any  
21.16 data or information relating to transit in the metropolitan area.

21.17 Sec. 21. Minnesota Statutes 2020, section 473.408, subdivision 2a, is amended to read:

21.18 Subd. 2a. **Regular route fares.** The council shall establish and enforce uniform fare  
21.19 policies for regular route transit in the metropolitan area. The policies must be consistent  
21.20 with the requirements of this section and the council's Metropolitan Transportation Planning  
21.21 Board's transportation policy plan. The council and other operators shall charge a base fare  
21.22 and any surcharges for peak hours and distance of service in accordance with the council's  
21.23 fares policies. The council shall approve all fare schedules.

21.24 Sec. 22. Minnesota Statutes 2020, section 473.449, is amended to read:

21.25 **473.449 ACT EXCLUSIVE.**

21.26 The exercise by the council of the powers provided in sections 473.405 to 473.449 shall  
21.27 not be subject to regulation by or the jurisdiction or control of any other public body or  
21.28 agency, either state, county, or municipal, except as specifically provided in this chapter or  
21.29 chapter 174B.

22.1 Sec. 23. **REPORT; IMPLEMENTATION CHANGES.**

22.2 By December 1, 2021, the commissioner of transportation, in consultation with the chair  
22.3 of the Metropolitan Council, must report to the chairs and ranking minority members of the  
22.4 legislative committees with jurisdiction over transportation policy and finance. The report  
22.5 must include recommendations on necessary changes to statutes to fully implement the  
22.6 requirements of this act, including recommendations on necessary changes to state, local,  
22.7 federal, and other funding mechanisms.

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

22.9 Sec. 24. **TRANSITION; TRANSPORTATION ADVISORY BOARD;**  
22.10 **METROPOLITAN TRANSPORTATION PLANNING BOARD.**

22.11 (a) On the effective date of this act, the responsibilities of the Transportation Advisory  
22.12 Board established in Minnesota Statutes 2020, section 473.146, subdivision 4, are transferred  
22.13 to the Metropolitan Transportation Planning Board established by this act. Actions taken  
22.14 by the Metropolitan Transportation Planning Board are a continuation of actions taken by  
22.15 the Transportation Advisory Board. The Metropolitan Transportation Planning Board shall  
22.16 assume legal responsibility for any agreements or contracts relating to transportation planning  
22.17 and for planning, designing, acquiring, constructing, and equipping public transit facilities.

22.18 (b) The Metropolitan Council and the Transportation Advisory Board must provide to  
22.19 the Metropolitan Transportation Planning Board all planning, designing, constructing, and  
22.20 other information relating to current and future transit lines.

22.21 Sec. 25. **REVISOR INSTRUCTION.**

22.22 The revisor of statutes shall title chapter 174B "Metropolitan Transportation Planning."

22.23 Sec. 26. **REPEALER.**

22.24 Minnesota Statutes 2020, sections 174.35; 473.146, subdivisions 3 and 4; 473.1466;  
22.25 473.168; 473.371; 473.375, subdivision 9a; 473.391, subdivision 2; 473.399, subdivisions  
22.26 1 and 1a; 473.3993; 473.3994, subdivisions 1a, 2, 3, 4, 5, 7, 8, 9, 10, and 14; 473.3995;  
22.27 473.3997; 473.3999; 473.405, subdivisions 1, 3, 4, 5, 9, 10, and 15; 473.4052; 473.41;  
22.28 473.411, subdivisions 3, 4, and 5; and 473.4485, are repealed.

22.29 Sec. 27. **EFFECTIVE DATE.**

22.30 Except where otherwise provided, this act is effective July 1, 2022.

### **174.35 LIGHT RAIL TRANSIT.**

The commissioner of transportation may exercise the powers granted in this chapter and chapter 473, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2. The commissioner shall not spend state funds to study light rail transit unless the funds are appropriated in legislation that identifies the route, including the origin and destination.

### **473.146 POLICY PLANS FOR METROPOLITAN AGENCIES.**

Subd. 3. **Development guide; transportation.** The transportation chapter must include policies relating to all transportation forms and be designed to promote the legislative determinations, policies, and goals set forth in section 473.371. In addition to the requirements of subdivision 1 regarding the contents of the policy plan, the nontransit element of the transportation chapter must include the following:

- (1) a statement of the needs and problems of the metropolitan area with respect to the functions covered, including the present and prospective demand for and constraints on access to regional business concentrations and other major activity centers and the constraints on and acceptable levels of development and vehicular trip generation at such centers;
- (2) the objectives of and the policies to be forwarded by the policy plan;
- (3) a general description of the physical facilities and services to be developed;
- (4) a statement as to the general location of physical facilities and service areas;
- (5) a general statement of timing and priorities in the development of those physical facilities and service areas;
- (6) a detailed statement, updated every two years, of timing and priorities for improvements and expenditures needed on the metropolitan highway system;
- (7) a general statement on the level of public expenditure appropriate to the facilities; and
- (8) a long-range assessment of air transportation trends and factors that may affect airport development in the metropolitan area and policies and strategies that will ensure a comprehensive, coordinated, and timely investigation and evaluation of alternatives for airport development.

The council shall develop the nontransit element in consultation with the transportation advisory board and the Metropolitan Airports Commission and cities having an airport located within or adjacent to its corporate boundaries. The council shall also take into consideration the airport development and operations plans and activities of the commission. The council shall transmit the results to the state Department of Transportation.

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

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

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the Pollution Control Agency or the commissioner's designee;
- (3) one member of the Metropolitan Airports Commission appointed by the commission;
- (4) one person appointed by the council to represent nonmotorized transportation;
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the council to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, including one representative from each first-class city, appointed by the Association of Metropolitan Municipalities;

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

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

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

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

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

**473.1466 TRANSPORTATION SYSTEM PERFORMANCE EVALUATION.**

(a) Prior to each major revision of the transportation policy plan, the council must carry out a performance evaluation of the metropolitan area's transportation system as a whole. The performance evaluation must:

(1) evaluate the area's ability to meet the need for effective and efficient transportation of goods and people;

(2) evaluate trends and their impacts on the area's transportation system;

(3) assess the region's success in meeting the currently adopted regional transportation benchmarks; and

(4) include an evaluation of the regional transit system, including a comparison with peer metropolitan regions with regard to key operating and investment measurements.

(b) The council must update the evaluation of the regional transit system every two years.

(c) The council shall use the results of the performance evaluation to make recommendations for improving the system in each revision of the transportation policy plan.

(d) The council must conduct a peer review of the performance evaluation using at least two nationally recognized transportation and transit consultants.

(e) The council must submit the performance evaluation to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over transportation finance and policy.

**473.168 FREEWAY EXCLUSIVE LANES.**

Subdivision 1. **Freeway defined.** For the purpose of this section, "freeway" means a completely controlled access highway where ingress and egress is allowed only at certain designated points as determined by the road authority having jurisdiction over the highway.

Subd. 2. **Exclusive lanes; multipassenger transit.** The Metropolitan Council may require that any freeway constructed in the metropolitan area on which actual construction has not been commenced by April 12, 1974 include provisions for exclusive lanes for buses and, as the council may determine, other forms of multipassenger transit. The council, in making its determination, must demonstrate that the exclusive lanes are necessary to implement the transportation policy plan of the development guide.

**473.371 POLICY; GOALS.**

Subdivision 1. **Policy.** The legislature finds that, for the provision of essential mobility and transportation options in the metropolitan area, for the encouragement of alternatives to the single-occupant vehicle and for the development of transportation service designed to meet public needs efficiently and effectively, there is a need for the creation of transit programs in the metropolitan area.

Subd. 2. **Goals.** The goals of sections 473.371 to 473.449 are as follows:

(a) to provide, to the greatest feasible extent, a basic level of mobility for all people in the metropolitan area;

(b) to arrange to the greatest feasible extent for the provision of a comprehensive set of transit and paratransit services to meet the needs of all people in the metropolitan area;

(c) to cooperate with private and public transit providers to assure the most efficient and coordinated use of existing and planned transit resources; and



(d) to maintain public mobility in the event of emergencies or energy shortages.

**473.375 POWERS AND DUTIES OF COUNCIL; ADVISORY COMMITTEE.**

Subd. 9a. **Transportation Accessibility Advisory Committee.** The council shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the council on the development and management of policies regarding accessibility of all aspects of fixed regular route and special transportation services for persons with disabilities. The Transportation Accessibility Advisory Committee shall also advise the council on long-range plans to meet the accessible transportation needs of the disability community. The Transportation Accessibility Advisory Committee must include elderly persons, persons with disabilities, other users of special transportation services, and representatives of appropriate agencies for elderly persons and persons with disabilities. At least half the Transportation Accessibility Advisory Committee members must be persons who are both ADA-certified and users of public transit in the metropolitan area. Two of the appointments to the Transportation Accessibility Advisory Committee must be made by the Council on Disability in consultation with the chair of the Metropolitan Council.

**473.391 ROUTE PLANNING AND SCHEDULING.**

Subd. 2. **Route elimination; service reduction.** The council shall, before making a determination to eliminate or reduce service on existing transit routes, consider:

- (1) the level of subsidy per passenger on each route;
- (2) the availability and proximity of alternative transit routes; and
- (3) the percentage of transit dependent riders, including youth, elderly, low-income, and disabled riders currently using each route.

**473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL IN THE METROPOLITAN AREA.**

Subdivision 1. **General requirements.** (a) The council must identify in its transportation policy plan those heavily traveled corridors where development of a transitway may be feasible and cost-effective. Modes of providing service in a transitway may include bus rapid transit, light rail transit, commuter rail, or other available systems or technologies that improve transit service.

(b) After the completion of environmental studies and receipt of input from the governing body of each statutory and home rule charter city, county, and town in which a transitway is proposed to be constructed, the council must designate the locally preferred alternative transit mode with respect to the corridor.

(c) The council shall ensure that any light rail transit facilities that are designated as the locally preferred alternative and that are to be constructed in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities.

(d) Construction of light rail transit facilities in a particular transit corridor may not commence unless and until that mode is designated as the locally preferred alternative for that corridor by the council.

Subd. 1a. **Integrated transportation system.** The commissioner of transportation and the Metropolitan Council shall ensure that light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

**473.3993 LIGHT RAIL TRANSIT FACILITY PLANS; DEFINITIONS.**

Subdivision 1. **Application.** The definitions in this section apply to sections 473.3993 to 473.3997.

Subd. 2. **Preliminary design plan.** "Preliminary design plan" means a light rail transit plan that identifies:

- (1) preliminary plans for the physical design of facilities, including location, length, and termini of routes; general dimension, elevation, alignment, and character of routes and crossings; whether the track is elevated, on the surface, or below ground; approximate station locations; and related park and ride, parking, and other transportation facilities; and a plan for disability access; and

(2) preliminary plans for intermodal coordination with bus operations and routes; ridership; capital costs; operating costs and revenues, and sources of funds for operating subsidies; funding for final design, construction, and operation; and an implementation method.

The preliminary design plan includes the preliminary or draft environmental impact statement for the light rail transit facilities proposed.

Subd. 2a. **Preliminary engineering plan.** "Preliminary engineering plan" means a light rail transit plan that includes the items in the preliminary design plan for the facilities proposed for construction, but with greater detail and specificity to satisfy final environmental impact statement requirements.

Subd. 3. **Final design plan.** (a) "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including disability access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

(b) The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a design-build implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

Subd. 4. **Responsible authority.** "Responsible authority" means either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation, as designated by the governor under section 473.3994, subdivision 1a, for a particular light rail transit facility.

#### **473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.**

Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit facility in the metropolitan area, the governor must designate either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation as the entity responsible for planning, designing, acquiring, constructing, and equipping the facility. Notwithstanding such designation, the commissioner and the council may enter into one or more cooperative agreements with respect to the planning, designing, acquiring, constructing, or equipping of a particular light rail transit facility that provide for the parties to exercise their respective authorities in support of the project in a manner that best serves the project and the public.

Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are prepared for a light rail transit facility in the metropolitan area, the responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must hold a public hearing on the physical design component of the preliminary design plans. The responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The responsible authority shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

Subd. 3. **Preliminary design plans; local approval.** At least 30 days before the hearing under subdivision 2, the responsible authority shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the responsible authority.

Subd. 4. **Preliminary design plans; council hearing.** If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the council shall hold a hearing on the plans, giving the commissioner of transportation, if the responsible authority, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 60 days after the hearing, the council shall review the plans and shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. Amendments to the plans as decided by the council must be made before continuing the planning and designing process.

Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change from the preliminary design plans with respect to location, length, or termini of routes; general dimension, elevation, or alignment of routes and crossings; location of tracks above ground, below ground, or at ground level; or station locations, before beginning construction, the responsible authority shall submit the changed component of the final design plans to the governing body of each statutory and home rule city, county, and town in which the changed component is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town shall review and approve or disapprove the changed component located in the city, county, or town. A local unit of government that disapproves the change shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the changed plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the responsible authority.

(b) If the governing body of one or more cities, counties, or towns disapproves the changed plans within the period allowed under paragraph (a), the council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

Subd. 7. **Council review.** If the commissioner is the responsible authority, before proceeding with construction of a light rail transit facility, the commissioner must submit preliminary and final design plans to the Metropolitan Council. The council must review the plans for consistency with the council's development guide and approve the plans.

Subd. 8. **Metropolitan significance.** This section does not diminish or replace the authority of the council under section 473.173.

Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for federal assistance for light rail transit facilities in the metropolitan area, the Metropolitan Council must prepare an estimate of the amount of operating subsidy which will be required to operate light rail transit in the corridor to which the federal assistance would be applied. The estimate must indicate the amount of operating subsidy estimated to be required in each of the first ten years of operation of the light rail transit facility. If the commissioner of transportation is the responsible authority, the commissioner must provide information requested by the council that is necessary to make the estimate.

(b) The council must review and evaluate the estimate developed under paragraph (a) with regard to the effect of operating the light rail transit facility on the currently available mechanisms for financing transit in the metropolitan area.

Subd. 10. **Corridor Management Committee.** (a) The responsible authority must establish a Corridor Management Committee to advise the responsible authority in the design and construction of light rail transit in each corridor to be constructed. The Corridor Management Committee for each corridor shall consist of the following members:

- (1) one member appointed by each city and county in which the corridor is located;
- (2) the commissioner of transportation or a designee of the commissioner;
- (3) two members appointed by the Metropolitan Council, one of whom shall be designated as the chair of the committee;
- (4) one member appointed by the Metropolitan Airports Commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and
- (5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

(b) The Corridor Management Committee shall advise the responsible authority on issues relating to environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor.

Subd. 14. **Transfer of facility after construction.** If the commissioner of transportation is the responsible authority for a particular light rail transit facility, the commissioner must transfer to the Metropolitan Council all facilities constructed and all equipment and property acquired in developing the facility upon completion of construction.

**473.3995 LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.**

(a) A responsible authority may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, a responsible authority may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

(b) If a responsible authority utilizes a design-build method of project development and construction for light rail transit, the requirements and procedures in sections 161.3410 to 161.3426 apply to the procurement, subject to the following conditions and exceptions:

(1) if the Metropolitan Council is the responsible authority for a particular light rail transit project, when used in sections 161.3410 to 161.3426, (i) the terms "commissioner," "Minnesota Department of Transportation," "department," "state agencies," and "road authority" refer to the Metropolitan Council, and (ii) the term "state" refers to the Metropolitan Council except in references to state law or in references to the state as a geographical location;

(2) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to the procurement; and

(3) if any federal funds are used in developing or constructing the light rail transit project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or prohibited by, any federal law, regulation, or other requirement are not applicable to the procurement.

**473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

(a) Upon completion of the alternatives analysis and draft environmental impact statement, and selection of the locally preferred alternative, for each light rail transit facility, the responsible authority may prepare an application for federal assistance for the light rail transit facility. If the commissioner is the responsible authority, the application must be reviewed and approved by the Metropolitan Council before it is submitted by the commissioner. In reviewing the application the council must consider the operating cost estimate developed under section 473.3994, subdivision 9.

(b) Except for the designated responsible authority for a particular light rail transit facility, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

**473.3999 LIGHT RAIL TRANSIT CONSTRUCTION; COUNCIL AUTHORITY.**

The Metropolitan Council may exercise the powers granted in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

**473.405 POWERS.**

Subdivision 1. **General.** The Metropolitan Council has the powers and duties prescribed by this section and sections 473.407 to 473.449 and all powers necessary or convenient to discharge its duties.

Subd. 3. **Condemnation.** The council may for transit purposes acquire property, franchises, easements, or property rights or interests of any kind by condemnation proceedings pursuant to chapter 117. Except as provided in subdivision 9, the council may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings. The council may contract with an operator or other persons for the use by the operator or person of any property under the council's control.

Subd. 4. **Transit systems.** The council may engineer, construct, equip, and operate transit and paratransit systems, projects, or any parts thereof, including road lanes or rights-of-way, terminal

facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any public transit or paratransit system or project. The council may sell or lease naming rights with regard to light rail transit stations and apply revenues from sales or leases to light rail transit operating costs.

Subd. 5. **Acquisition of transit systems.** The council may acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the metropolitan area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The council may take control of and operate a system immediately following the filing and approval of the initial petition for condemnation, if the council, in its discretion, determines this to be necessary, and may take possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Control must be taken by resolution which is effective upon service of a copy on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there must not be included any value attributable to expenditures for improvements made by the former Metropolitan Transit Commission or council.

Subd. 9. **Condemnation of public or public service corporation property.** The fact that property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 301B.01, or is already devoted to a public use or to use by the corporation or was acquired therefor by condemnation may not prevent its acquisition by the council by condemnation, but if the property is in actual public use or in actual use by the corporation for any purpose of interest or benefit to the public, the taking by the council by condemnation may not be authorized unless the court finds and determines that there is greater public necessity for the proposed use by the council than for the existing use.

Subd. 10. **Voluntary transfer of public property.** Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the council, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the council for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the council, with or without consideration, any existing contract for the construction of the facilities.

Subd. 15. **Relocation of displaced persons.** The council may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the council, and may make relocation payments in accordance with federal regulations.

#### **473.4052 RIGHT-OF-WAY USE; CONTRACTS; LIABILITY.**

Subdivision 1. **Contracts for joint or shared use.** (a) The location of light rail transit in a shared corridor that is within or adjacent to right-of-way used for freight rail purposes is a public purpose.

(b) The council, a metropolitan county, or a public entity contracting with the council or county may contract with a railroad for (1) the use of right-of-way for light rail transit and freight rail purposes, or (2) the construction, operation, or maintenance of rail track, facilities, or services for light rail transit and freight rail purposes in a shared corridor that is within or adjacent to the right-of-way.

(c) Notwithstanding any law to the contrary, a contract under paragraph (b) may also provide for the allocation of financial responsibility, indemnification, and the procurement of insurance for the parties for all types of claims or damages.

(d) A contract entered into under this section does not affect rights of employees under the federal Employers' Liability Act (1908) (Railroads), Statutes at Large, volume 35, chapter 149, or the federal Railway Labor Act, Statutes at Large, volume 44, chapter 347.

Subd. 2. **Liability.** Notwithstanding any law to the contrary, a railroad and its employees operating within a shared corridor as described in subdivision 1 has the same limits to liability for all types of claims or damages as provided to a municipality under sections 466.04 and 466.06, in an action arising from or related to an incident occurring within, along, or adjacent to the shared corridor. The liability limits under this subdivision apply when the claims or damages would not

have occurred but for light rail transit, including, but not limited to, light rail transit track, facilities, services, construction, improvements, maintenance, and operations.

Subd. 3. **Insurance.** (a) Where the council and the railroad have entered into a contract pursuant to subdivision 1, the council must procure insurance as commercially available that is consistent with the amount of the damages limitation established under United States Code, title 49, section 28103(a)(2), as indexed under Fixing America's Surface Transportation Act, Public Law 114-94, section 11415.

(b) The council must procure insurance required by paragraph (a) so that it is in place and effective when light rail vehicles are operating during prerevenue testing and revenue service. This minimum insurance requirement is satisfied by an overall railroad liability policy covering all of the council's railroad obligations, and a separate policy is not required for each freight railroad or each project.

(c) Procurement of insurance as required by this subdivision constitutes a waiver of the liability limits for the railroad and the council under sections 466.04 and 466.06 only to the extent that the insurance procured by the council pays the claim on an incident that occurred within, along, or adjacent to the shared corridor.

(d) Insurance procured by the railroad itself shall not create or be construed to be a waiver of the liability limits for the railroad established under subdivision 2.

Subd. 4. **Application.** The liability limits under subdivision 2 and the insurance requirements under subdivision 3 apply only for that segment of a light rail transit line or line extension in which the project formally entered the engineering phase of the Federal Transit Administration's "New Starts" capital investment grant program between August 1, 2016, and December 31, 2016.

#### **473.41 TRANSIT SHELTERS AND STOPS.**

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

(b) "Transit authority" means:

(1) a statutory or home rule charter city, with respect to rights-of-way at bus stop and train stop locations, transit shelters, and transit passenger seating facilities owned by the city or established pursuant to a vendor contract with the city;

(2) the Metropolitan Council, with respect to transit shelters and transit passenger seating facilities owned by the council or established pursuant to a vendor contract with the council; or

(3) a replacement service provider under section 473.388, with respect to rights-of-way at bus stop and train stop locations, transit shelters, and transit passenger seating facilities owned by the provider or established pursuant to a vendor contract with the provider.

(c) "Transit shelter" means a wholly or partially enclosed structure provided for public use as a waiting area in conjunction with light rail transit, bus rapid transit, or regular route transit.

Subd. 2. **Design.** (a) A transit authority shall establish design specifications for establishment and replacement of its transit shelters, which must include:

(1) engineering standards, as appropriate;

(2) maximization of protection from the wind, snow, and other elements;

(3) to the extent feasible, inclusion of warming capability at each shelter in which there is a proportionally high number of transit service passenger boardings; and

(4) full accessibility for the elderly and persons with disabilities.

(b) The council shall consult with the Transportation Accessibility Advisory Committee.

Subd. 3. **Maintenance.** A transit authority shall ensure transit shelters are maintained in good working order and are accessible to all users of the transit system. This requirement includes but is not limited to:

(1) keeping transit shelters reasonably clean and free from graffiti; and

(2) removing snow and ice in a manner that provides accessibility for the elderly and persons with disabilities to be able to enter and exit transit shelters, and board and exit trains at each stop.

#### **473.411 TRANSIT AND HIGHWAY SYSTEMS.**

Subd. 3. **Services of Department of Transportation.** The council may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commissioner of transportation can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the council has final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of transportation may furnish all engineering, legal, and other services, if so requested by the council and upon fair and reasonable reimbursement for the cost thereof by the council, for the purposes stated in this subdivision, including the acquisition by purchase, condemnation, or otherwise in the name of the council of all lands, waters, easements, or other rights or interests in lands or waters required by the council. No purchase of service agreements may be made under this subdivision which are not included in the budget of the council.

Subd. 4. **State highways; joint use for transit and highway purposes.** Wherever the joint construction or use of a state highway is feasible in fulfilling the purposes of sections 473.405 to 473.449, the council shall enter into an agreement with the commissioner of transportation therefor, evidenced by a memorandum setting forth the terms of the agreement. Either the council or the commissioner of transportation may acquire any additional lands, waters, easements or other rights or interests required for joint use in accordance with the agreement, or joint acquisition may be made by condemnation as provided by section 117.016 and the provisions of sections 473.405 to 473.449. Under the agreement each party shall pay to the other party reasonable compensation for the costs of any services performed at the request of the other party which may include any costs of engineering, design, acquisition of property, construction of the facilities, and for the use thereof so far as attributable to and necessary for the purposes. The council may not agree to acquisitions or expenditures under this subdivision which are not included in its budget.

Subd. 5. **Use of public roadways and appurtenances.** The council may use for the purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or other appurtenance of a roadway, without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance. The provisions of this subdivision do not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance is not required; except that if the council seeks to use a designated parkway for regular route service in the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by the other members of the board. If the use is a designated Minneapolis parkway for regular route service adjacent to the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the council, two members of the board of park commissioners, and a fifth member jointly selected by other members of the board. The joint board must include a nonvoting member appointed by the council of the city in which the parkway is located.

The board of park commissioners and the council may designate persons to sit on the joint board. In considering a request by the council to use designated parkways for additional routes or trips, the joint board consisting of the council or their designees, the board of park commissioners or their designees, and the fifth member, shall base its decision to grant or deny the request based on the criteria to be established by the joint board. The decision to grant or deny the request must be made within 45 days of the date of the request. The park board must be notified immediately by the council of any temporary route detours. If the park board objects to the temporary route detours within five days of being notified, the joint board must convene and decide whether to grant the request, otherwise the request is deemed granted. If the agency objects to the proposed use or claims reimbursement from the council for additional cost of maintenance, it may commence an action against the council in the district court of the county wherein the highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in the action must conform to the Rules of Civil Procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin the use by the council. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of the additional costs. Otherwise the court shall award judgment to the council. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The council may also use

land within the right-of-way of any state highway or other public roadway for the erection of traffic-control devices, other signs, and passenger shelters upon the conditions stated in this subdivision and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

**473.4485 METROPOLITAN AREA TRANSIT INVESTMENT.**

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

(b) "Busway" means a form of bus service provided to the public on a regular and ongoing basis, including arterial or highway bus rapid transit, that (1) compared to other regular route bus service, provides reduced travel time and uses distinct bus stop or station amenities, and (2) does not primarily or substantially operate within separated rights-of-way.

(c) "Commissioner" means the commissioner of transportation.

(d) "Guideway" means a form of transportation service provided to the public on a regular and ongoing basis that primarily or substantially operates within separated rights-of-way or operates on rails, and includes:

(1) each line for intercity passenger rail, commuter rail, light rail transit, and streetcars;

(2) as applicable, each line for dedicated bus service, which may include arterial or highway bus rapid transit, limited stop bus service, and express bus service; and

(3) any intermodal facility serving two or more lines identified in clauses (1) and (2).

Guideway does not include a busway.

(e) "Local unit of government" means a county, statutory or home rule charter city, town, or other political subdivision including, but not limited to, a regional railroad authority or joint powers board.

(f) "Separated rights-of-way" includes exclusive, dedicated, or primary use of a right-of-way by the public transportation service. Separated rights-of-way does not include a shoulder, dynamic shoulder lane, or priced lane under section 160.93.

(g) "Sources of funds" includes, but is not limited to, money from federal aid, state appropriations, the Metropolitan Council, special taxing districts, local units of government, farebox recovery, and nonpublic sources.

(h) "Budget activity" includes, but is not limited to, environmental analysis, land acquisition, easements, design, preliminary and final engineering, acquisition of vehicles and rolling stock, track improvement and rehabilitation, and construction.

Subd. 1a. **Guideway capital project requests to legislature.** A state agency or local unit of government that submits a request to the legislature to obtain state funds for a guideway project shall, as part of the request, provide a summary financial plan for the project that presents the following information as reflected by the data and level of detail available in the latest phase of project development:

(1) capital expenditures and funding sources for the project, including expenditures to date and total projected or estimated expenditures, with a breakdown by committed and proposed sources of funds; and

(2) estimated annual operations and maintenance expenditures for the project, with a breakdown by committed and proposed sources of funds.

Subd. 2. **Legislative report.** (a) By October 15 in every even-numbered year, the council must prepare, in collaboration with the commissioner, a report on comprehensive transit finance in the metropolitan area. The council must submit the report electronically to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance.

(b) The report must be structured to provide financial information in six-month increments corresponding to state and local fiscal years, and must use consistent assumptions and methodologies. The report must comprehensively identify all funding sources and expenditures related to transit in the metropolitan area, including but not limited to:



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(1) sources and uses of funds from regional railroad authorities, joint powers agreements, counties, and cities;

(2) expenditures for transit planning, feasibility studies, alternatives analysis, and other transit project development; and

(3) expenditures for guideways, busways, regular route bus service, demand-response service, and special transportation service under section 473.386.

(c) The report must include a section that summarizes the status of (1) guideways in revenue operation, and (2) guideway projects (i) currently in study, planning, development, or construction; (ii) identified in the transportation policy plan under section 473.146; or (iii) identified in the comprehensive statewide freight and passenger rail plan under section 174.03, subdivision 1b.

(d) At a minimum, the guideways status section of the report must provide for each guideway project wholly or partially in the metropolitan area:

(1) a brief description of the project, including projected ridership;

(2) a summary of the overall status and current phase of the project;

(3) a timeline that includes (i) project phases or milestones, including any federal approvals; (ii) expected and known dates of commencement of each phase or milestone; and (iii) expected and known dates of completion of each phase or milestone;

(4) a brief progress update on specific project phases or milestones completed since the last previous submission of a report under this subdivision; and

(5) a summary financial plan that identifies, as reflected by the data and level of detail available in the latest phase of project development and to the extent available:

(i) capital expenditures, including expenditures to date and total projected expenditures, with a breakdown by committed and proposed sources of funds for the project;

(ii) estimated annual operations and maintenance expenditures reflecting the level of detail available in the current phase of the project development, with a breakdown by committed and proposed sources of funds for the project; and

(iii) if feasible, project expenditures by budget activity.

(e) The report must include a section that summarizes the status of (1) busways in revenue operation, and (2) busway projects currently in study, planning, development, or construction.

(f) The report must include a section that identifies the total ridership, farebox recovery ratio, and per-passenger operating subsidy for (1) each route and line in revenue operation by a transit provider, including guideways, busways, and regular route bus service; and (2) demand-response service and special transportation service. The section must provide data, as available on a per-passenger mile basis and must provide information for at least the previous three years. The section must identify performance standards for farebox recovery and identify each route and line that does not meet the standards.

(g) The report must also include a systemwide capacity analysis for transit operations and investment in expansion and maintenance that:

(1) provides a funding projection, annually over the ensuing ten years, and with a breakdown by committed and proposed sources of funds, of:

(i) total capital expenditures for guideways and for busways;

(ii) total operations and maintenance expenditures for guideways and for busways;

(iii) total funding available for guideways and for busways, including from projected or estimated farebox recovery; and

(iv) total funding available for transit service in the metropolitan area; and

(2) evaluates the availability of funds and distribution of sources of funds for guideway and for busway investments.

(h) The capacity analysis under paragraph (g) must include all guideway and busway lines for which public funds are reasonably expected to be expended in planning, development, construction, revenue operation, or capital maintenance during the ensuing ten years.

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(i) Local units of government must provide assistance and information in a timely manner as requested by the commissioner or council for completion of the report.