

## CHAPTER 405—S.F.No. 282

*An act relating to transportation; reducing maximum tax levy authorized for regional railroad authorities; permitting regional railroad authorities to engage in activities related to light rail transit; providing for review of light rail transit plans by local governmental units and the metropolitan council; amending Minnesota Statutes 1986, sections 398A.04, subdivision 8; and 473.398; proposing coding for new law in Minnesota Statutes, chapter 473.*

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

Section 1. Minnesota Statutes 1986, section 398A.04, subdivision 8, is amended to read:

Subd. 8. **TAXATION.** Before deciding to exercise the power to tax, the authority shall give six weeks published notice in all municipalities in the region. If a number of voters in the region equal to five percent of those who voted for candidates for governor at the last gubernatorial election present a petition within nine weeks of the first published notice to the secretary of state requesting that the matter be submitted to popular vote, it shall be submitted at the next general election. The question prepared shall be:

“Shall the regional rail authority have the power to impose a property tax?

Yes .....

No .....

If a majority of those voting on the question approve or if no petition is presented within the prescribed time the authority may thereafter levy a tax at any annual rate not exceeding ~~four~~ two mills on the assessed valuation of all taxable property situated within the municipality or municipalities named in its organization resolution. Its recording officer shall file in the office of the county auditor of each county in which territory under the jurisdiction of the authority is located a certified copy of the board of commissioners' resolution levying the tax, and each county auditor shall assess and extend upon the tax rolls of each municipality named in the organization resolution the portion of the tax that bears the same ratio to the whole amount that the assessed valuation of taxable property in that municipality bears to the assessed value of taxable property in all municipalities named in the organization resolution. Collections of the tax shall be remitted by each county treasurer to the treasurer of the authority.

Sec. 2. [473.169] **LIGHT RAIL TRANSIT; DESIGN PLANS.**

Subdivision 1. REQUIREMENT. Before constructing a light rail transit facility, the political subdivision proposing the facility must hold a public hearing on the preliminary design plans as provided in subdivision 2, and submit the preliminary and final design plans for review as provided in subdivisions 3 to 5. The design plans must include a plan for handicapped accessibility.

Subd. 2. PRELIMINARY DESIGN PLANS; PUBLIC HEARING. Before preparing final design plans for a light rail transit facility, the political subdivi-

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sion proposing the facility must hold a public hearing on the preliminary design plans. The proposer 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.

**Subd. 3. PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.** At least 30 days before the hearing under subdivision 2, the proposer must submit 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 must hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town must review and approve or disapprove the plans for the route to be located in the city, county, or town. 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 proposer. If the preliminary design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with final design plans under subdivision 5.

**Subd. 4. PRELIMINARY DESIGN PLANS; METROPOLITAN COUNCIL REFERRAL.** 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 proposer may refer the plans to the metropolitan council. The council must hold a hearing, giving the proposer and the disapproving local governmental units an opportunity to present the case for or against approval of the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council must either approve the plans as submitted by the proposer or recommend amended plans to accommodate the objections presented by the disapproving local governmental units. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the council and the proposer. Following approval or recommendation of preliminary design plans by the council, the proposer may proceed with final design plans under subdivision 5.

**Subd. 5. FINAL DESIGN PLANS.** (a) After the approval of preliminary design plans under subdivision 3 or review by the council following referral to the council under subdivision 4, the proposer may prepare final design plans.

(b) Before proceeding with construction, the proposer must submit the final design plans to the governing body of each statutory and home rule city, county, and town in which the route is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town must review and approve or disapprove the plans for the route located in the city, county, or town. Failure to approve or disapprove the 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 proposer. If the final design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with construction on that route.

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(c) If the governing body of one or more cities, counties, or towns disapproves the final design plans within the period allowed under paragraph (b), the proposer may refer the plans to the metropolitan council. The council must review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans. Following approval or recommendation of final design plans by the council, the proposer may proceed with construction.

Subd. 6. COUNTY APPROVAL. The proposer of a light rail transit facility in the metropolitan area must submit the preliminary and final design plans for the facility to the governing board of the county in which the route is proposed to be located for approval or disapproval. The proposer of the facility may not proceed with construction of the facility without the approval of the county.

Subd. 7. COUNCIL REVIEW. Before proceeding with construction of a light rail transit facility, a regional rail authority established under chapter 398A 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 comment on the plans.

Subd. 8. METROPOLITAN SIGNIFICANCE. This section does not diminish or replace the authority of the council under section 473.173.

### Sec. 3. [473.17] COOPERATION IN LIGHT RAIL TRANSIT.

Notwithstanding section 473.398, the metropolitan council may cooperate with regional rail authorities in the study, planning, and design of regional rail authority light rail transit systems, and the metropolitan transit commission may cooperate with regional rail authorities in the operational planning and operation of regional rail authority light rail transit systems.

Sec. 4. Minnesota Statutes 1986, section 473.398, is amended to read:

#### 473.398 TRANSIT NEEDS ASSESSMENT.

(a) The metropolitan council, the regional transit board, and the metropolitan transit commission; and any regional rail authority or political subdivision in the metropolitan area may not either separately or in combination expend or obligate any money from public sources for study, planning, design, preliminary engineering, engineering, acquisition, construction, or any other purpose related to facilities for transporting passengers by cars operating on fixed rails, without express legislative authorization.

(b) Before performing any further detailed work on light rail transit, the regional transit board shall complete the total assessment of transit service needs and markets for the metropolitan area and the implementation plan required by section 473.377, subdivisions 1 and 2. It may consider any mode of travel to serve identified needs and markets.

(c) Following approval of the implementation plan by the metropolitan

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council, as required by section 473.377, subdivision 1, the regional transit board may commence corridor planning, consisting of preliminary engineering for general route configuration and alignments, station locations, modal interconnectors, and access of any modes including light rail transit, for the corridor between the downtowns of Minneapolis and St. Paul if the needs assessment and implementation plan so provide. It may utilize private or public funds to do this work.

(d) The board shall report to the legislature by December 1, 1986, on the needs, alternative transit systems, and services considered and recommendations for implementation, costs, alternative sources of financing, and preferred financing sources.

#### Sec. 5. METROPOLITAN TRANSIT PLANNING PROCESS.

By January 15, 1988, the metropolitan council shall report to the legislature a recommended process to coordinate transit planning and development by regional railroad authorities and other political subdivisions.

#### Sec. 6. COMPREHENSIVE PLAN.

By July 1, 1988, the Hennepin county regional rail authority must develop a comprehensive plan for the development of a light rail transit system in Hennepin county. In developing the comprehensive plan, the authority must consider at least three primary corridors, including the southwest corridor, a northern corridor, and a southern corridor. In evaluating the corridors, the authority must consider the ridership potential of each corridor, the cost of developing each corridor, and the public benefit to be derived from each corridor. During this evaluation, the authority may acquire right-of-way so that all corridors have, to the extent practicable, an equal opportunity for development based on the guidelines contained in the comprehensive plan. This section does not prohibit the authority from proceeding with the preparation of engineering plans for any corridor before July 1, 1988.

#### Sec. 7. EFFECTIVE DATE.

Section 1 is effective the day following final enactment. A regional rail authority that has acquired the power to impose a property tax under section 398A.04, subdivision 8, before the effective date of section 1, may levy an annual tax up to but not exceeding two mills on the assessed valuation of all taxable property situated within the municipality or municipalities named in its organization resolution for study, planning, design, preliminary engineering, engineering, acquisition, construction, or any purpose related to facilities for transporting passengers on a light rail transit system.

#### Sec. 8. APPLICATION.

Sections 2 to 6 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved June 18, 1987

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