

CHAPTER 353—S.F.No. 414

An act relating to transportation; providing procedures for design, approval, and construction of light rail transit; establishing corridor management committee; providing for resolution of disputes; changing membership and responsibilities of the light rail transit joint powers board; amending Minnesota Statutes 1992, sections 174.32, subdivision 2; 473.167, subdivision 1; 473.373, subdivision 4a; 473.399, subdivision 1; 473.3993; 473.3994, subdivisions 2, 3, 4, 5, 7, and by adding subdivisions; 473.3996; 473.3997; 473.3998; 473.4051; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1992, sections 473.399, subdivisions 2 and 3; 473.3991; 473.3994, subdivision 6; Laws 1991, chapter 291, article 4, section 20.

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

Section 1. Minnesota Statutes 1992, section 174.32, subdivision 2, is amended to read:

Subd. 2. **TRANSIT ASSISTANCE FUND; DISTRIBUTION.** ~~(a)~~ The transit assistance fund receives money distributed under section 297B.09. Eighty percent of the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. Except as otherwise provided in this subdivision, the regional transit board created by section 473.373 is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account. ~~Money placed in the metropolitan account is available for distribution to regional railroad authorities established under chapter 398A in the metropolitan area; by the commissioner of transportation as provided in paragraph (b).~~

~~(b) The commissioner shall request applications from all eligible regional railroad authorities. The commissioner shall establish a reasonable deadline for submittal of applications. The commissioner may not distribute more than 60 percent of the available funds to a single recipient. Before distributing money to any regional railroad authority, the commissioner shall submit the applications to the regional transit board for approval. The commissioner may distribute funds only with the approval of the board. Before approving any application for funds for construction, the board shall report to the legislature on the use and planned distribution of construction funds.~~

Sec. 2. [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.

Sec. 3. Minnesota Statutes 1992, section 473.167, subdivision 1, is amended to read:

Subdivision 1. **CONTROLLED ACCESS HIGHWAYS; AND TRANSIT FIXED-GUIDEWAYS; COUNCIL APPROVAL.** Before acquiring land for or constructing a controlled access highway or transit fixed-guideway in the area, the state transportation department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the

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proposed project. The statement must be in the form and detail required by the council. Immediately upon receipt of the statement, the council shall transmit a copy to the regional transit board, which shall review and evaluate the project in relationship to the board's implementation plan and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan and implementation plan. This approval is in addition to the requirements of any other statute, ordinance or rule.

Sec. 4. Minnesota Statutes 1992, section 473.373, subdivision 4a, is amended to read:

Subd. 4a. **MEMBERSHIP.** (a) The board consists of 11 members with governmental or management experience. Appointments are subject to the advice and consent of the senate. Terms of members are four years commencing on the first Monday in January of the first year of the term.

(b) The council shall appoint eight members, one from each of the following agency districts:

- (1) district A, consisting of council districts 1 and 2;
- (2) district B, consisting of council districts 3 and 7;
- (3) district C, consisting of council districts 4 and 5;
- (4) district D, consisting of council districts 6 and 11;
- (5) district E, consisting of council districts 8 and 10;
- (6) district F, consisting of council districts 9 and 13;
- (7) district G, consisting of council districts 12 and 14; and
- (8) district H, consisting of council districts 15 and 16.

Six must be elected officials of statutory or home rule charter cities, towns, or counties.

(c) The governor shall appoint, in addition to the chair, two persons, one who is age 65 or older at the time of appointment, and one with a disability. These appointments must be made following the procedures of section 15.0597. In addition, at least 30 days before the expiration of a term or upon the occurrence of a vacancy in the office held by a senior citizen or a person with a disability, the governor shall request nominations from organizations of senior citizens and persons with disabilities. Each organization shall nominate at least two persons. The governor shall consider the nominations submitted.

(d) No more than three of the members appointed under paragraphs (b) and (c) may be residents of the same statutory or home rule city or town, and none

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may be a member of the ~~joint light rail transit advisory committee board~~ established under section ~~473.3994~~ 473.3998.

Sec. 5. Minnesota Statutes 1992, section 473.399, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS.** (a) The transit board shall adopt a regional light rail transit plan; ~~as provided in this section~~ part of the implementation plan pursuant to section 473.161, to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities. To the extent practicable, the board shall incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.

(b) The regional plan required by this section must be adopted by the board before ~~any regional railroad authority~~ the commissioner of transportation may begin construction of light rail transit facilities and before ~~any authority is eligible for state financial assistance~~ the commissioner may expend funds appropriated or obtained through bonding for constructing light rail transit facilities. Following adoption of the regional plan, each regional railroad authority ~~or other developer of light rail transit in the metropolitan area~~ and the commissioner of transportation shall act in conformity with the plan. ~~Each authority or proposer~~ The commissioner shall prepare or amend ~~its comprehensive plan and preliminary and~~ the final design plans as necessary to make the plans consistent with the regional plan.

(c) Throughout the development and implementation of the plan, the board shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

Sec. 6. Minnesota Statutes 1992, section 473.3993, is amended to read:

473.3993 LIGHT RAIL TRANSIT FACILITY PLANS; DEFINITIONS.

Subdivision 1. **APPLICATION.** The definitions in this section apply to sections 473.3994 and 473.3996.

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 handicapped access; and

(2) preliminary plans for intermodal coordination with bus operations and routes; ridership; capital costs; operating costs and revenues, and sources of

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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. "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 for construction, 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 handicapped 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.

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 turn-key implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

Sec. 7. Minnesota Statutes 1992, section 473.3994, subdivision 2, is amended to read:

Subd. 2. PRELIMINARY DESIGN PLANS; PUBLIC HEARING. Before preparing final design plans are prepared for a light rail transit facility, the political subdivision proposing the facility commissioner of transportation 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 proposer commissioner of transportation 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 commissioner shall summarize the proceedings and testimony, and maintain the record of a hearing held under this section, including any written statements submitted.

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Sec. 8. Minnesota Statutes 1992, section 473.3994, subdivision 3, is amended to read:

Subd. 3. **PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.** At least 30 days before the hearing under subdivision 2, the ~~proposer~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located 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, except that a county board need not hold a hearing if the county board membership is identical to the membership of the regional railroad authority submitting the plan for review. 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 ~~proposer~~ commissioner of transportation, and the regional railroad authority or authorities in whose jurisdiction the line or lines are located.

Sec. 9. Minnesota Statutes 1992, section 473.3994, subdivision 4, is amended to read:

Subd. 4. **PRELIMINARY DESIGN PLANS; REGIONAL TRANSIT BOARD 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~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located may refer the plans, along with any comments of local jurisdictions, to the ~~regional transit board~~ metropolitan council. The ~~board~~ council shall hold a hearing on the plans, giving the ~~proposer~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The ~~board~~ 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 ~~board~~ council shall review the plans submitted by the ~~proposer~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located and ~~may recommend amended plans~~ the council shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. The commissioner and the regional railroad authority shall make the amendments to the plans before continuing the planning and designing process.

Sec. 10. Minnesota Statutes 1992, section 473.3994, subdivision 5, is amended to read:

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Subd. 5. **FINAL DESIGN PLANS.** (a) Before beginning construction, the ~~proposer~~ commissioner shall submit the physical design component of 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 shall review and approve or disapprove the plans for the route 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 the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the ~~proposer~~ commissioner.

(b) If the governing body of one or more cities, counties, or towns disapproves the plans within the period allowed under paragraph (a), the ~~proposer~~ commissioner may refer the plans, along with any comments of local jurisdictions, to the ~~regional transit board~~ metropolitan council. The ~~board~~ 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.

Sec. 11. Minnesota Statutes 1992, section 473.3994, subdivision 7, is amended to read:

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

Sec. 12. Minnesota Statutes 1992, section 473.3994, is amended by adding a subdivision to read:

Subd. 10. CORRIDOR MANAGEMENT COMMITTEE. A corridor management committee shall be established to advise the commissioner of transportation in the design and construction of light rail transit in each corridor to be constructed. The corridor management committee shall consist of the members of the light rail transit joint powers board established pursuant to section 473.3998 and one representative from each city in which the corridor is located. Additionally, the commissioner of transportation, the chair of the metropolitan council, the chair of the regional transit board, and the chair of the metropolitan transit commission shall each appoint a member to the committee. For the corridor between Minneapolis and St. Paul, the University of Minnesota shall appoint one member to the committee. The member representing the regional transit board shall chair the committee.

The corridor management committee shall advise the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit.

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Sec. 13. Minnesota Statutes 1992, section 473.3994, is amended by adding a subdivision to read:

Subd. 11. REGIONAL RAILROAD AUTHORITY REVIEW. The commissioner must submit to each regional rail authority in which the corridor is located, for review and approval, the following:

- (1) preliminary design and preliminary engineering plans; and
- (2) final design plans.

The commissioner must submit major contract changes during construction to each regional rail authority in which the corridor is located for review and comment.

Sec. 14. Minnesota Statutes 1992, section 473.3994, is amended by adding a subdivision to read:

Subd. 12. ALTERNATIVES ANALYSIS; ENVIRONMENTAL REVIEW. For light rail transit lines to be constructed in the metropolitan area, the regional railroad authority or authorities in whose jurisdiction a line or lines are to be constructed and the commissioner of transportation shall jointly prepare an alternatives analysis, the environmental review documents required, and the preliminary engineering plan. The council must approve the design for the alternatives analysis and the completed alternatives analysis. The department of transportation shall be the responsible governmental unit.

Sec. 15. Minnesota Statutes 1992, section 473.3994, is amended by adding a subdivision to read:

Subd. 13. DISPUTE RESOLUTION. In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section or section 473.3998, the dispute shall be submitted to the metropolitan council for final resolution by any party to the dispute. The metropolitan council shall establish by July 1, 1993, a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

Sec. 16. Minnesota Statutes 1992, section 473.3996, is amended to read:

473.3996 LIGHT RAIL TRANSIT FACILITY DESIGN PLANS; REVIEW BY BOARD.

Subdivision 1. **PRELIMINARY DESIGN PLANS.** Before submitting the physical design component of final design plans of a light rail transit facility for local review under section 473.3994, subdivision 5, the ~~proposer~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located shall submit preliminary design plans to the regional transit board for review. The board shall review the preliminary design plans to determine the compatibility of the plans with other light rail

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transit plans and facilities in the metropolitan area, the adequacy of the plans for handicapped accessibility, and the conformity of the plans with the regional light rail transit plan prepared under section 473.399. The board may comment on any aspect of the plans. The board has 90 days to complete its review, unless an extension of time is agreed to by the ~~proposer~~ commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located. If the board determines that the plans do not satisfy the standards stated in this subdivision, the board shall recommend modifications in the plans that are necessary in order to satisfy the board. After adopting or amending the regional plan required by section 473.399, the board may again review any previously reviewed preliminary design plans and recommend modifications that are necessary to satisfy the board.

Subd. 2. **FINAL DESIGN PLANS.** Before acquiring or constructing light rail transit facilities, other than land for right of way, the ~~proposer~~ commissioner of transportation shall submit final design plans to the regional transit board for review. The board shall review the final design plans under the same schedule and according to the same standards as provided for its review of preliminary design plans. The board shall either approve the plans, or if it determines that the plans do not satisfy the standards, disapprove the plans, in whole or in part, and recommend modifications in the plans that are necessary to secure approval. ~~A proposer~~ The commissioner may not proceed with acquisition or construction of a light rail transit facility, other than land for right of way, unless the final design plans for the facility have been approved by the board. Following approval of final design plans by the board, if a ~~regional railroad authority~~ the commissioner wishes to select a bid or a response to a request for proposal that is more than ten percent higher than the capital costs indicated in the final design plans for the facility, the ~~authority~~ commissioner may not proceed with construction until ~~it~~ the commissioner has resubmitted the final design plans to the transit board for further review and approval or disapproval. The board has ten working days to review and approve or disapprove and recommend modification, unless an extension of time is agreed to by the ~~authority~~ commissioner.

Sec. 17. Minnesota Statutes 1992, section 473.3997, is amended to read:

473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.

By July 4, 1992, (a) Upon completion of the alternatives analysis and draft environmental impact statement for the central corridor transit improvement project, the regional transit board, the regional rail authorities, and the commissioner of transportation, and the affected regional rail authorities shall may jointly prepare any a joint application for federal assistance for light rail transit facilities in the metropolitan area. The application must be reviewed and approved by the metropolitan council before it is submitted by the board and the commissioner. In reviewing the application the council must consider the information submitted to it under section 473.3994, subdivision 9. The board, the rail authorities, and the commissioner must consult with the council in preparing the application. The application may provide for metropolitan regional

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railroad authorities to design or construct light rail transit facilities under contract with the commissioner.

(b) Until the application described in paragraph (a) is submitted, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

Sec. 18. Minnesota Statutes 1992, section 473.3998, is amended to read:

473.3998 LIGHT RAIL TRANSIT JOINT POWERS BOARD.

A light rail transit joint powers board shall be formed under section 471.59 to implement light rail transit final design and construction of the corridors funded solely with federal and county funds. The board shall consist of a consisting of one voting member from the metropolitan transit commission, the department of transportation, the regional transit board, the metropolitan council, and the regional rail authorities of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties, plus an additional voting member from a county regional rail authority with a corridor in which final design has begun.

The board shall review and approve light rail transit system standards to be used by the commissioner in designing and building a light rail transit facility and shall review and approve the plan for community involvement and the marketing program. The board shall advise the corridor management committee established pursuant to section 473.3994, subdivision 10, and the commissioner on the method of implementation. All members of the board shall be members of the corridor management committee established pursuant to section 473.3994, subdivision 10.

Sec. 19. Minnesota Statutes 1992, section 473.4051, is amended to read:

473.4051 LIGHT RAIL TRANSIT OPERATION.

The transit commission shall operate ~~regional railroad authority~~ light rail transit facilities and services upon completion of construction of the facilities and the commencement of revenue service using the facilities. The ~~regional railroad authority~~ commissioner of transportation and the commission may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure satisfactory performance. In assuming the operation of the system, the transit commission must comply with section 473.415. The commission shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system. ~~If the regional plan prepared by the transit board under section 473.399 calls for construction and operation of light rail transit facilities in a jurisdiction whose governing body has chosen not to organize and proceed under chapter 398A,~~ the board may authorize the transit commission to implement the plan in that area.

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Sec. 20. REPEALER.

Minnesota Statutes 1992, sections 473.399, subdivisions 2 and 3; 473.3991; and 473.3994, subdivision 6, are repealed.

Laws 1991, chapter 291, article 4, section 20, is repealed.

Sec. 21. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 22. EFFECTIVE DATE.

Section 15 is effective the day after final enactment. The remaining sections of this act are effective July 1, 1993.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 12:05 p.m.

CHAPTER 354—H.F.No. 1063

An act relating to commerce; currency exchanges; changing the date for submission of license renewal applications; relating to notaries public; making various technical changes; providing for the appointment and powers of notaries; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.03; 359.01; 359.02; 359.03, subdivisions 1 and 3; 359.04; 359.05; 359.071; and 359.12.

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

Section 1. Minnesota Statutes 1992, section 53A.03, is amended to read:

53A.03 APPLICATION FOR LICENSE; FEES.

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and address (both of residence and place of business) of the applicant, and if the applicant is a partnership or association, of every member, and the name and business address if the applicant is a corporation;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other cur-

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