

statutes shall change each reference to "state building inspector" to "state building official" in sections 16B.62, subdivision 2; 16B.63, subdivisions 1 to 4; 16B.64, subdivision 7; and 16B.66.

Sec. 11. **EFFECTIVE DATE.**

This article is effective the day following final enactment, except that section 7 is effective July 1, 1994.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 3:45 p.m.

CHAPTER 635—H.F.No. 3011

An act relating to transportation; defining terms; making technical changes; directing commissioner of transportation to accept performance-specification bids for constructing design-built bridges; ensuring safety is factor in standards for scenic highways and park roads; modifying highway fund apportionment to counties and changing composition of screening board; prohibiting personal transportation vehicles from picking up passengers in seven-county metropolitan area; setting speed limit for residential roadways; providing for installation of override systems to allow operators of emergency vehicles to activate traffic signals; allowing emergency vehicles to display flashing blue lights; creating child passenger restraint and education account to assist families in financial need and for educational purposes; allowing permits to extend seasonal gross weight limit increases; regulating provision of personal transportation service; allowing rail carriers to participate in rail user loan guarantee program; authorizing expenditure of rail service maintenance account money for maintenance of rail lines and right-of-way in the rail bank; providing funding sources for rail bank maintenance account; requiring publicly owned or leased motor vehicles to be identified; establishing advisory council on major transportation projects; authorizing donation of vacation leave for state employee; directing commissioner of transportation to erect signs, traffic signals, and noise barriers; exempting public bodies from regulations on all-terrain vehicles; allowing commissioner of transportation to transfer certain real property acquired for highway purposes to former owner through negotiated settlement; providing for bridge inspection frequency and reports; delaying required revision of state transportation plan; authorizing sale of certain tax-forfeited land that borders public water in New Scandia township in Washington county, and an exchange of that land for land located in Stillwater township in Washington county between the state of Minnesota and the United States Department of Interior, National Park Service; requiring studies; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 84.928, subdivision 1; 160.085, subdivision 3; 160.262, by adding a subdivision; 160.81; 160.82, subdivision 2; 161.25; 162.06, subdivisions 3 and 4; 162.09, subdivision 1; 162.12, subdivisions 3 and 4; 165.03; 168.1281, by adding a subdivision; 169.01, by adding a subdivision; 169.06, by adding a subdivision; 169.14, subdivision 2; 169.64, subdivision 4; 169.685, by adding a subdivision; 169.825, subdivision 11; 174.03, subdivision 1a; 221.011, by adding a subdivision; 221.121, subdivision 6c; 221.85,

New language is indicated by underline, deletions by ~~strikeout~~.

subdivision 1; 222.50, subdivision 7; 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; 222.58, subdivision 2; and 222.63, subdivision 8; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 161; and 471; repealing Minnesota Statutes 1992, sections 173.14; and 222.58, subdivision 6; Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1993, chapter 323, sections 3 and 4; Minnesota Rules, part 8810.1300, subpart 6.

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

ARTICLE 1

Section 1. Minnesota Statutes 1992, section 160.262, is amended by adding a subdivision to read:

Subd. 4. DESIGN-BUILD BRIDGES FOR NONMOTORIZED VEHICLES. For streets and highways, the commissioner shall allow for the acceptance of performance-specification bids, made by the lowest responsible bidder, for constructing design-build bridges for bicycle paths, bicycle trails, and pedestrian facilities that are:

(1) designed and used primarily for nonmotorized transportation, but may allow for motorized wheelchairs, golf carts, necessary maintenance vehicles and, when otherwise permitted by law, rule, or ordinance, snowmobiles; and

(2) located apart from any road or highway or protected by barriers, provided that a design-built bridge may cross over and above a road or highway.

Sec. 2. Minnesota Statutes 1992, section 160.81, is amended to read:

160.81 HIGHWAYS IN RECREATION AREAS.

Subdivision 1. **JOINT STANDARDS.** The commissioner of transportation, in consultation with the commissioner of natural resources, shall establish standards for trunk highway segments located in areas of unusual scenic interest. The standards shall:

(1) establish and ensure that the safety of the traveling public is maintained or enhanced;

(2) define "areas of unusual scenic interest," which must include major recreational areas, historic areas, and major publicly and privately owned tourist attractions;

(3) prescribe standards for right-of-way, shoulders, and parking areas for trunk highway segments in such areas; and

(4) prescribe standards for scenic overlooks, parking piers and other parking areas, tourist information facilities, public water access points and other

New language is indicated by underline, deletions by ~~strikeout~~.

facilities intended to expand the recreational use of trunk highway segments in such areas.

Subd. 2. **PLAN.** The commissioner of transportation, in consultation with the commissioner of natural resources, shall prepare a plan for the recreational uses of trunk highway right-of-way and adjacent public land in areas of unusual scenic interest. The plan must ensure that the safety of the traveling public is maintained or enhanced. The plan must provide for the enhancement of such recreational uses by the construction of new recreational facilities or the improvement or rehabilitation of existing recreational facilities, as enumerated in subdivision 1, clause (3) (4). The plan must provide for joint development of these facilities by the departments of transportation and natural resources, where feasible, and must contain provisions permitting local units of government and regional development commissions to participate in the planning and development of recreational facilities.

Subd. 3. **RECREATIONAL FACILITIES.** The commissioner of transportation may, in areas of unusual scenic interest:

(1) construct, improve, and maintain recreational facilities, including parking areas, scenic overlooks, and tourist information facilities, on trunk highway right-of-way and adjacent areas; and

(2) construct, improve, and maintain access ramps and turnoffs to connect trunk highways with recreational land owned by the department of natural resources.

Sec. 3. Minnesota Statutes 1992, section 160.82, subdivision 2, is amended to read:

Subd. 2. **RESTRICTIONS.** A road authority may not make a change in the width, grade, or alignment of a park road that would affect the wildlife habitat or aesthetic characteristics of the park road or its adjacent vegetation or terrain, unless:

(1) the change is required to permit the safe travel of vehicles at the speed lawfully designated for the park road, in which case the change must be made; or

(2) if the road is a county state-aid highway or municipal state-aid street, the change is required by the minimum state-aid standard applicable to the road.

Sec. 4. Minnesota Statutes 1992, section 162.06, subdivision 3, is amended to read:

Subd. 3. **DISASTER ACCOUNT.** After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money as is necessary to provide for the calendar year equal to one percent of the remaining money in the county state-aid highway fund to provide for a disaster account of \$300,000; provided that the total amount of money in the

New language is indicated by underline, deletions by ~~strikeout~~.

disaster account shall never exceed one percent of the total sums to be apportioned to the counties. This sum shall be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship. Any county desiring aid by reason of such disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of ~~three county engineers and three county commissioners from counties~~ two representatives of the counties, who must be either a county engineer or member of a county board, from counties other than the requesting county, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the county from the disaster account shall be made by the commissioner. Upon determining to aid any such county the commissioner shall certify to the commissioner of finance the amount of the aid, and the commissioner of finance shall thereupon issue a warrant in that amount payable to the county treasurer of the county. Money so paid shall be expended on the county state-aid highway system in accordance with the rules of the commissioner.

Sec. 5. Minnesota Statutes 1992, section 162.06, subdivision 4, is amended to read:

Subd. 4. **RESEARCH ACCOUNT.** (a) Each year the screening board, provided for in section 162.07, subdivision 5, may recommend to the commissioner a sum of money that the commissioner shall set aside from the county state-aid highway fund and credit to a research account. The amount so recommended and set aside shall not exceed ~~one-quarter~~ one-half of one percent of the preceding year's apportionment sum.

(b) Any money so set aside shall be used by the commissioner for the purpose of:

(a) (1) conducting research for improving the design, construction, maintenance and environmental compatibility of state-aid highways and appurtenances;

(b) (2) constructing research elements and reconstructing or replacing research elements that fail; and

(c) (3) conducting programs for implementing and monitoring research results.

(c) Any balance remaining in the research account at the end of each year from the sum set aside for the year immediately previous, shall be transferred to the county state-aid highway fund.

Sec. 6. Minnesota Statutes 1992, section 162.09, subdivision 1, is amended to read:

Subdivision 1. **CREATION; MILEAGE LIMITATION; RULES.** There is

New language is indicated by underline, deletions by ~~strikeout~~.

created a municipal state-aid street system within statutory and home rule charter cities having a population of 5,000 or more. The extent of the municipal state-aid street system for a city shall not exceed ~~2,500~~; (1) 20 percent of the total miles of city streets and county roads within the jurisdiction of that city, plus (2) the mileage of all trunk highways reverted or turned back to the jurisdiction of ~~cities~~ the city pursuant to law on and after July 1, 1965, plus (3) the mileage of county highways reverted or turned back to the jurisdiction of the city pursuant to law on or after the effective date of this act. The system shall be established, located, constructed, reconstructed, improved, and maintained as public highways within such cities under rules, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

Sec. 7. Minnesota Statutes 1992, section 162.12, subdivision 3, is amended to read:

Subd. 3. **DISASTER ACCOUNT.** After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account shall never exceed five percent of the total sums to be apportioned to the statutory and home rule charter cities having a population of 5,000 or more. The disaster account shall be used to provide aid to any such city encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, and resulting in an undue and burdensome financial hardship. Any such city desiring aid by reason of such disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of ~~three engineers and three members of the governing bodies~~ two representatives of the cities, who must be either a city engineer or member of the governing body of a city, from cities other than the requesting city, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the city from the disaster account shall be made by the commissioner. Upon determining to aid the city, the commissioner shall certify to the commissioner of finance the amount of aid, and the commissioner of finance shall thereupon issue a warrant in that amount payable to the fiscal officer of the city. Money so paid shall be expended on the municipal state-aid street system in accordance with rules of the commissioner.

Sec. 8. Minnesota Statutes 1992, section 162.12, subdivision 4, is amended to read:

Subd. 4. **RESEARCH ACCOUNT.** (a) Each year the screening board, provided for in section 162.13, subdivision 3, may recommend to the commissioner a sum of money that the commissioner shall set aside from the municipal state-aid street fund and credit to a research account. The amount so recommended and set aside shall not exceed ~~one-quarter~~ one-half of one percent of the preceding year's apportionment sum.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) Any money so set aside shall be used by the commissioner for the purpose of:

(a) (1) conducting research for improving the design, construction, maintenance and environmental compatibility of municipal state-aid streets and appurtenances;

(b) (2) constructing research elements and reconstructing or replacing research elements that fail; and

(c) (3) conducting programs for implementing and monitoring research results.

(c) Any balance remaining in the research account at the end of each year from the sum set aside for the year immediately previous, shall be transferred to the municipal state-aid street fund.

Sec. 9. Minnesota Statutes 1992, section 168.1281, is amended by adding a subdivision to read:

Subd. 5. PICKUP OF PASSENGERS RESTRICTED. (a) A vehicle bearing personal transportation service license plates may not pick up passengers for hire within Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county.

(b) The registrar shall include a notice of the restriction in paragraph (a), with its effective date, with each set of personal transportation service license plates issued.

Sec. 10. Minnesota Statutes 1992, section 169.01, is amended by adding a subdivision to read:

Subd. 81. RESIDENTIAL ROADWAY. Residential roadway means a street or portion of a street that is less than one-quarter mile in length and is functionally classified by the commissioner of transportation as a local street.

Sec. 11. Minnesota Statutes 1992, section 169.06, is amended by adding a subdivision to read:

Subd. 5a. TRAFFIC CONTROL SIGNALS; OVERRIDE SYSTEM. All electronic traffic control signals installed by a road authority on and after January 1, 1995, must be prewired to facilitate a later addition of a system that allows the operator of an authorized emergency vehicle to activate a green traffic signal for the vehicle.

Sec. 12. Minnesota Statutes 1992, section 169.14, subdivision 2, is amended to read:

Subd. 2. SPEED LIMITS. (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima

New language is indicated by underline, deletions by ~~strikeout~~.

facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour in other locations during the daytime;
- (3) 55 miles per hour in such other locations during the nighttime;
- (4) ten miles per hour in alleys; and

(5) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (5), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) "Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Nighttime" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Sec. 13. Minnesota Statutes 1992, section 169.64, subdivision 4, is amended to read:

Subd. 4. **BLUE LIGHTS.** (a) Except as provided in paragraph (b), blue lights are prohibited on all vehicles except road maintenance equipment and snow removal equipment operated by or under contract to the state or a political subdivision thereof.

(b) Authorized emergency vehicles may display flashing blue lights to the rear of the vehicle as a warning signal in combination with other lights permitted or required by this chapter.

Sec. 14. Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5, is amended to read:

Subd. 5. **VIOLATION; PENALTY.** (a) Every motor vehicle operator, when transporting a child under the age of four on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the

New language is indicated by underline, deletions by ~~strikeout~~.

streets and highways of this state may transport a child under the age of four in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system. Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(c) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

Sec. 15. Minnesota Statutes 1992, section 169.685, is amended by adding a subdivision to read:

Subd. 7. APPROPRIATION; SPECIAL ACCOUNT. The Minnesota child passenger restraint and education account is created in the state treasury, consisting of fines collected under subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety, to be used to provide child passenger restraint systems to families in financial need and to provide an educational program on the need for and proper use of child passenger restraint systems. The commissioner shall report to the legislature by February 1 of each odd-numbered year on the commissioner's activities and expenditure of funds under this section.

Sec. 16. Minnesota Statutes 1992, section 169.825, subdivision 11, is amended to read:

Subd. 11. GROSS WEIGHT SEASONAL INCREASES. (a) The limitations provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along trunk highway No. 61 to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets and potatoes within an area having a 75-mile radius from the field of harvest to the point of the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

(f) The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under paragraph (a), clause (2).

Sec. 17. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 46. BULK COMMODITY. "Bulk commodity" means a commodity that (1) can be poured, scooped, or shoveled into a vehicle, (2) is carried loose in that vehicle, (3) is confined by the bottom and sides of the vehicle, and (4) is not sacked, boxed, bundled, or otherwise assembled before delivery.

Sec. 18. Minnesota Statutes 1992, section 221.121, subdivision 6c, is amended to read:

Subd. 6c. **CLASS II CARRIERS.** (a) A person desiring to operate as a permit carrier, other than as a carrier listed in section 221.111, clauses (3) to (9), shall follow the procedure established in subdivision 1 and shall specify in the petition whether the person is seeking a class II-T or class II-L permit. If the person meets the criteria established in subdivision 1, the board shall grant the class II-T or class II-L permit or both. A class II permit holder may not own, lease, or otherwise control more than one terminal. The board may not issue a class II permit to a motor carrier who owns, leases, or otherwise controls more than one terminal.

(b) For purposes of this section: (1) utilization of a local cartage carrier by a class II carrier constitutes ownership, lease, or control of a terminal; and (2) "terminal" does not include (i) a terminal used exclusively for handling bulk

New language is indicated by underline, deletions by ~~strikeout~~.

commodities, and (ii) a terminal used by a permit holder who also holds a class I certificate, household goods permit, or temperature-controlled commodities permit for the unloading, docking, handling, and storage of freight transported under the certificate, household goods permit, or temperature-controlled commodities permit.

Sec. 19. Minnesota Statutes 1992, section 221.85, subdivision 1, is amended to read:

Subdivision 1. **PERMIT REQUIRED; RULES.** No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

- (1) annual inspections of vehicles;
- (2) driver qualifications including requiring a criminal history check of drivers;
- (3) insurance requirements;
- (4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";
- (5) agreements with political subdivisions for sharing enforcement costs with the state;
- (6) issuance of temporary permits and fees therefor; and
- (7) other requirements the commissioner deems necessary to carry out the purposes of this section.

The rules must provide that the holder of a personal transportation service permit may not pick up passengers for hire within Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county.

Sec. 20. Minnesota Statutes 1992, section 222.50, subdivision 7, is amended to read:

Subd. 7. **EXPENDITURES.** The commissioner may expend money from the rail service improvement account for the following purposes:

- (a) To make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;
- (b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines,

New language is indicated by underline, deletions by ~~strikeout~~.

and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to the state rail bank program;

(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

(e) To pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

~~(f) To pay for the maintenance of rail lines and rights-of-way acquired for the state rail bank under section 222.63, subdivision 2e; and~~

~~(g)~~ To pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 21. Minnesota Statutes 1992, section 222.55, is amended to read:

222.55 RAIL USER AND RAIL CARRIER LOAN GUARANTEE PROGRAM; PURPOSE.

In order to aid rail users in obtaining credit for participation in contracts for rail line and rolling stock rehabilitation, acquisition, or installation and for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, and to aid rail carriers in the rehabilitation of locomotives and the acquisition and rehabilitation of rolling stock, there is established a rail user and rail carrier loan guarantee program to provide state money in guarantee of loans made according to the provisions of sections 222.55 to 222.62.

Sec. 22. Minnesota Statutes 1992, section 222.56, subdivision 5, is amended to read:

Subd. 5. **LOAN.** "Loan" means a loan or advance of credit provided by a financial institution to (1) either a rail user or rail carrier for participation in contracts for rail line or rolling stock rehabilitation, acquisition, or installation, or for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, or (2) a rail carrier for rehabilitation of locomotives.

Sec. 23. Minnesota Statutes 1992, section 222.56, subdivision 6, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 6. **PERSONAL GUARANTEE.** "~~Personal~~ Guarantee" means a personal or corporate obligation to pay the loan.

Sec. 24. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 8. RAIL CARRIER. "Rail carrier" means a common carrier by rail engaged in rail transportation of people, goods, or products for hire.

Sec. 25. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 9. ROLLING STOCK. "Rolling stock" means rail cars, machinery, and equipment used by a rail carrier to move people, goods, and products, but does not include maintenance of way equipment or tools used in the maintenance or upgrade of track.

Sec. 26. Minnesota Statutes 1992, section 222.57, is amended to read:

222.57 RAIL USER AND RAIL CARRIER LOAN GUARANTEE ACCOUNT.

There is created a rail user and rail carrier loan guarantee account as a separate account in the rail service improvement account, which shall be used by the commissioner for carrying out the provisions of sections 222.55 to 222.62 with respect to loans insured under section 222.58. The commissioner may transfer to the rail user and rail carrier loan guarantee account from money otherwise available in the rail service improvement account whatever amount is necessary to implement the rail user and rail carrier loan guarantee program and, except that bond proceeds may not be transferred to the account for insurance of loans made for the purposes specified in section 222.58, subdivision 2, paragraph (b), clauses (3) to (5). The commissioner may withdraw any amount from the rail user and rail carrier loan guarantee account that is not required to insure outstanding loans as provided in section 222.60, subdivision 1.

Sec. 27. Minnesota Statutes 1992, section 222.58, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY REQUIREMENTS.** A loan is eligible for insurance under this section under the following conditions:

(a) The loan shall be in an original principal amount, bear an interest rate, contain complete amortization provisions, and have a maturity satisfactory under such terms as the commissioner may prescribe by rule.

(b) The proceeds of the loan shall be used solely for

(i) (1) participation in contracts for capital investment loans for rail line rehabilitation, or acquisition, or installation;

New language is indicated by underline, deletions by ~~strikeout~~.

(ii) (2) capital improvement projects designed to improve rail service or reduce the economic impact of discontinuance of rail service. The projects, and may include but are not limited to construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines; and construction and improvement of loading, unloading, storage, and transfer facilities, and rail facilities of the rail user users or rail carriers;

(3) rehabilitation of locomotives owned by rail carriers primarily in operation on railroad lines within the state;

(4) rehabilitation or acquisition of rolling stock owned or acquired by rail users or rail carriers operating or doing business primarily within the state; or

(5) costs of technical and inspection services related to the rehabilitation of locomotives or acquisition or rehabilitation of rolling stock.

(c) The loan agreement shall contain such terms and provisions with respect to any other matters as the commissioner may prescribe.

(d) The borrower provides a ~~personal~~ guarantee and collateral for the loan which is acceptable to the commissioner as sufficient security to protect the interests of the state.

Sec. 28. Minnesota Statutes 1992, section 222.63, subdivision 8, is amended to read:

Subd. 8. **RAIL BANK ACCOUNTS.** A special account shall be maintained in the state treasury, designated as the rail bank maintenance account, to record the receipts and expenditures of the commissioner of transportation for the maintenance of rail bank property. Funds received by the commissioner of transportation from interest earnings, administrative payments, rentals, fees, or charges for the use of rail bank property, or received from rail line rehabilitation contracts shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the rail service improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the rail service improvement account. All money to be deposited in this rail service improvement account as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished.

Sec. 29. **[471.346] PUBLICLY OWNED AND LEASED VEHICLES IDENTIFIED.**

All motor vehicles owned or leased by a statutory or home rule charter city, county, town, school district, metropolitan or regional agency, or other political subdivision, except for unmarked vehicles used in general police and fire work

New language is indicated by underline, deletions by ~~strikeout~~.

and arson investigations, shall have the name of the political subdivision plainly displayed on both sides of the vehicle in letters not less than 2-1/2 inches high and one-half inch wide. The identification must be in a color that contrasts with the color of the part of the vehicle on which it is placed and must remain on and be clean and visible throughout the period of which the vehicle is owned or leased by the political subdivision. The identification must not be on a removable plate or placard except on leased vehicles but the plate or placard must not be removed from a leased vehicle at any time during the term of the lease.

Sec. 30. ROAD PRICING STUDY.

The commissioner of transportation and the metropolitan council shall jointly conduct a study of road pricing options with the potential for implementation in the state of Minnesota and the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. The road pricing options studied must include the option of replacing the present highway user taxes on motor fuel and motor vehicle licenses with a highway user revenue system based on a charge on each vehicle based on the number of miles traveled by that vehicle in each year. The study must also include, but is not limited to:

(1) an analysis of the potential for charging motorists based upon the time of day the travel takes place and the level of congestion on the roadway;

(2) an evaluation of public acceptance and understanding of alternative road pricing options;

(3) a detailed analysis, evaluation, and quantification of the impacts of various road pricing options;

(4) a financial analysis of each road pricing option, including the implementation costs, users costs, and revenue estimates;

(5) selection of specific road pricing options for future demonstration and testing in the metropolitan area and/or statewide; and

(6) a detailed study design, schedule, and cost estimate for a draft environmental impact statement meeting appropriate state and federal requirements.

The commissioner and metropolitan council shall report the results of the study to the legislature no later than January 15, 1996. The report must include recommendations regarding future actions needed to move towards implementation of road pricing in Minnesota and/or the metropolitan area.

Sec. 31. ADVISORY COUNCIL ON MAJOR TRANSPORTATION PROJECTS.

Subdivision 1. ESTABLISHMENT; PURPOSE. A state advisory council is established to provide a forum at the state level for education, discussion, and advice to the legislature on the financing of major transportation projects.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. AUTHORITY; DUTIES. The advisory council shall:

(1) identify significant highway and transit projects that could not be funded within the current transportation funding structure;

(2) evaluate methods for funding the identified projects;

(3) receive public testimony and consult with governmental units; and

(4) submit to the legislature a report and recommendations for a preferred plan to finance significant highway and transit projects by February 1, 1995.

Subd. 3. MEMBERSHIP. The advisory council shall consist of 15 members who serve at the pleasure of the appointing authority as follows:

(1) six legislators; three members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and three members of the house of representatives appointed by the speaker; and

(2) nine public members who are residents of the state: two appointed by the subcommittee on committees of the committee on rules and administration of the senate, two appointed by the speaker of the house of representatives, and five appointed by the governor. The appointing authorities must consult with each other to assure that no more than eight members of the advisory council are of the same gender.

Subd. 4. CHAIRS. The legislative appointing authorities shall each designate a legislative appointee to serve as co-chair of the advisory council.

Subd. 5. ADMINISTRATION. Legislative staff and the commissioner of transportation shall provide administrative and staff assistance when requested by the advisory council.

Sec. 32. LEAVE DONATION PROGRAM.

Subdivision 1. DONATION OF VACATION TIME. A state employee may donate up to 12 hours of accrued vacation leave for the benefit of a state department of military affairs employee whose efforts to aid victims of an automobile accident resulted in his total disability in January 1994. The vacation hours donated must be credited to the sick leave account of the receiving state employee. If the receiving state employee uses all donated time, additional hours, up to 50 hours per employee, accrued vacation leave time may be donated.

Subd. 2. PROCESS FOR CREDITING. The donating employee must notify the employee's agency head of the accrued vacation time the employee wishes to donate. The agency head shall transfer that amount to the sick leave account of the recipient. A donation of accrued vacation leave time is irrevocable once it has been transferred to the recipient's account.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 33. METRO STATE DIRECTIONAL SIGNS.

The commissioner of the department of transportation shall place directional signs for Metropolitan State University on marked interstate highways Nos. I-94 and I-35E.

Sec. 34. TRAFFIC SIGNAL; NORTH OAKS.

The commissioner of transportation shall, not later than June 1, 1994, install traffic signals on marked trunk highway No. 49 at its intersection with Hodgson Road Connection, at or near the entrance to the Chippewa middle school in the city of North Oaks.* (Section 34 was vetoed by the governor.)

Sec. 35. TRUNK HIGHWAY NO. 280; NOISE BARRIERS.

Subdivision 1. DEFINITION. For purposes of this section "trunk highway No. 280 project" means a department of transportation highway improvement project on marked trunk highway No. 280 that would improve, expand, or reconstruct the highway.

Subd. 2. REQUIREMENT. If the commissioner of transportation takes any action between the effective date of this section and June 30, 1996, that would have the effect of delaying the start of the trunk highway No. 280 project beyond June 30, 1997, the commissioner shall, within 12 months after taking that action, erect noise barriers on the highway between marked interstate highways Nos. I-94 and I-35W as provided in the noise barrier component of the project.

Sec. 36. INTERSTATE HIGHWAY NO. I-394; NOISE BARRIERS.

The commissioner of transportation shall complete the noise barrier project on the north side of marked interstate highway No. I-394 in Minneapolis adjacent to the property owned by US West, Inc. as a high priority construction project.* (Section 36 was vetoed by the governor.)

Sec. 37. NOISE ABATEMENT BARRIER; BROOKLYN PARK.

The commissioner of transportation, in accordance with the plan required under Minnesota Statutes, section 161.125, shall construct a noise abatement barrier on the easternmost side of the right-of-way of marked trunk highway No. 252 from its intersection with 73rd Avenue North to a point where 74th Avenue North would, if extended, intersect marked highway No. 252.* (Section 37 was vetoed by the governor.)

Sec. 38. INTERSTATE HIGHWAY NO. I-694; NOISE BARRIERS.

The commissioner of transportation shall complete the noise barrier project on the south side of interstate highway No. I-694 in Shoreview west from the end of the existing noise barrier to the Soo Line Railroad overpass near Cardigan Road, as a high priority construction project.* (Section 38 was vetoed by the governor.)

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 39. STUDY OF INSURANCE-BASED SEAT BELT USE.

The commissioners of commerce and public safety shall jointly study the desirability of enacting legislation requiring automobile insurers to offer insureds the option of purchasing automobile insurance based upon seat belt usage. The report must address the following issues:

(1) imposition of a substantial deductible for claims for injuries incurred when a seat belt is not used;

(2) actuarially appropriate premium reductions by insurers for providing this coverage; and

(3) imposition of penalties for failure to wear seat belts after such an option is purchased.

The commissioners shall report their written findings and recommendations to the legislature no later than January 1, 1996.

Sec. 40. ENVIRONMENTAL IMPACT STATEMENT.

The commissioner of transportation shall not take any action to widen and replace the I-35W bridge deck over Minnehaha Parkway until an environmental impact statement has been issued.

Sec. 41. REPEALER.

(a) Minnesota Statutes 1992, section 222.58, subdivision 6, is repealed.

(b) Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; and Laws 1993, chapter 323, sections 3 and 4, are repealed.

Sec. 42. EFFECTIVE DATE.

Sections 1, 6, 12, 17, 30, 32, 33, and 35 to 40, are effective the day following final enactment. Section 14 is effective August 1, 1994, for violations committed on and after that date. Section 31 is effective the day following final enactment and is repealed June 30, 1995. Sections 9, 19, and 41, paragraph (b), are effective August 1, 1994.

ARTICLE 2

Section 1. Minnesota Statutes 1992, section 84.928, subdivision 1, is amended to read:

Subdivision 1. **OPERATION ON ROADS AND RIGHTS-OF-WAY.** (a) A person shall not operate an all-terrain vehicle along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than in the ditch or

New language is indicated by underline, deletions by ~~strikeout~~.

the outside bank or slope of a trunk, county state-aid, or county highway in this state unless otherwise allowed in sections 84.92 to 84.929.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 9, or the department of natural resources when performing or exercising official duties or powers.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Sec. 2. Minnesota Statutes 1992, section 160.085, subdivision 3, is amended to read:

Subd. 3. **DESCRIPTION MAY REFER TO MAP OR PLAT.** (a) Land acquisition by the road authority for highway purposes by instrument of conveyance or by eminent domain proceedings, may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.

(b) In addition, land disposition by the road authority by instrument of conveyance may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the disposition.

Sec. 3. Minnesota Statutes 1992, section 161.25, is amended to read:

161.25 TEMPORARY TRUNK HIGHWAY DETOUR AND TEMPORARY TRUNK HIGHWAY; HAUL ROAD.

~~On determining If,~~ for the purpose of constructing or maintaining any trunk highway, ~~that the use of~~ any public street or highway is necessary for a detour or haul road, the commissioner may designate ~~by order~~ any such street or highway as a temporary trunk highway detour or as a temporary trunk highway haul road, and shall thereafter maintain the same as a temporary trunk highway until

New language is indicated by underline, deletions by ~~strikeout~~.

the commissioner revokes the designation. Prior to revoking the designation the commissioner shall restore such streets or highways to as good condition as they were prior to the designation of same as temporary trunk highways. Upon revoking the ~~designations such streets or highways designation, the street or highway~~ shall revert to the subdivision charged with the care thereof at the time it was taken over as a temporary trunk highway.

Sec. 4. [161.442] RECONVEYANCE TO FORMER OWNER.

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, at the commissioner's sole discretion, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner.

Sec. 5. Minnesota Statutes 1992, section 165.03, is amended to read:

165.03 STRENGTH OF BRIDGES; INSPECTIONS.

Subdivision 1. **STANDARDS GENERALLY.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under section 169.825 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 2. **INSPECTION AND INVENTORY RESPONSIBILITIES; RULES; FORMS.** The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the highway authorities specified by this subdivision. Bridge inspections shall be made at regular intervals, not to exceed two years, by the following officials:

(a) The commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway.

(b) The county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed.

(c) The city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

(d) The commissioner of transportation in case of a toll bridge used by the

New language is indicated by underline, deletions by ~~strikeout~~.

general public; provided, that the commissioner of transportation may assess the owner for the costs of such inspection.

The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The specified highway authorities shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. COUNTY INVENTORY AND INSPECTION RECORDS AND REPORTS. The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(b) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the county auditor or township clerk, or the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. MUNICIPAL INVENTORY AND INSPECTION RECORDS AND REPORTS. The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2(c) with the inspection reports thereof, and shall certify annually, to the commissioner of transportation, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. AGREEMENTS. Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. TOLL BRIDGES. The owner of a toll bridge shall certify ~~annually~~ to the commissioner of transportation, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals not to exceed two years. The certification shall be accompanied by a report of the inspection. The report shall contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Sec. 6. Minnesota Statutes 1992, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. REVISION OF STATE TRANSPORTATION PLAN. The commissioner shall revise the state transportation plan by ~~July 1, 1993~~ January 1, 1996, and by July January 1 of each odd-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the plan. The revised state transportation plan must:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) incorporate the goals of the state transportation system in section 174.01; and

(2) establish objectives, policies, and strategies for achieving those goals.

Sec. 7. BRIDGE INSPECTIONS.

The commissioner of transportation shall ensure that bridge inspections must be made at regular intervals not to exceed two years.

Sec. 8. LAND SALE AND EXCHANGE; WASHINGTON COUNTY.

Subdivision 1. SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY. (a) Notwithstanding Minnesota Statutes, section 282.018, Washington county may convey the tax-forfeited land bordering public water described in paragraph (b), to the state of Minnesota acting through its commissioner of transportation, for the county's appraised market value.

(b) The land to be conveyed to the state of Minnesota is located in New Scandia township (T32N, R19W) in Washington county and is described as:

Government Lot 7, Section 7, Township 32 North, Range 19 West, Washington County, Minnesota;

containing 63.95 acres, more or less.

Subd. 2. LAND EXCHANGE BETWEEN MINNESOTA AND UNITED STATES. (a) Notwithstanding Minnesota Statutes, sections 94.342 to 94.344, the commissioner of transportation, with the unanimous approval of the Minnesota land exchange board may thereafter convey the land described in subdivision 1, paragraph (b), to the United States Department of Interior, National Park Service, in exchange for land described in paragraph (b).

(b) The land that is to be conveyed to the state of Minnesota by the United States is located in Stillwater township in Washington county and is described as follows:

That part of Government Lot 2 of Section 15, Township 30 North, Range 20 West, Washington County, Minnesota, lying northwesterly of the northwesterly right-of-way line of Trunk Highway No. 95 as now located and established and southwesterly of the following described line: Commencing at the northeast corner of Government Lot 3 of Section 15, Township 30 North, Range 20 West, also being a point on the west line of said Government Lot 2; thence North 00 degrees 02 minutes 22 seconds West, assumed bearing along said west line of Government Lot 2 a distance of 142.51 feet to the point of beginning of the line to be described; thence South 50 degrees 10 minutes 16 seconds East, 151.14 feet to an in-place half-inch iron pipe monument; thence South 44 degrees 08 minutes 51 seconds East, 171.86 feet to an in-place 3/8 inch iron pipe monument; thence North 87 degrees 40 minutes 47 seconds East, 124.77 feet to an

New language is indicated by underline, deletions by ~~strikeout~~.

inplace iron bolt monument; thence South 47 degrees 38 minutes 00 seconds East, 94.53 feet to said northwesterly right-of-way line of Trunk Highway No. 95 and there terminating;

containing 2.48 acres, more or less.

(c) The land on three sides of the parcel described in subdivision 1, paragraph (b), is owned by the United States. Most of the parcel is part of an island between two channels of the St. Croix River and is within the preliminary boundary of the Lower St. Croix National Scenic Riverway. The parcel has little potential for use other than for said public purpose.

(d) The parcel of land described in paragraph (b) is west of Trunk Highway No. 95 and across the road from the Boom Site area located approximately one-half mile northeast of the city of Stillwater. This parcel is to be used for construction of a sanitary drain field for the Boom Site Rest Area. The present drain field is undersized, causes unsanitary seepage, and does not conform to modern-day health standards. This parcel is within the Lower St. Croix National Scenic Riverway boundary and has little potential for use other than public purpose and/or supplementing adjacent public facilities.

(e) The two above-described parcels of land have been appraised and are of substantially equal value.

(f) The United States has agreed to a land exchange subject to terms of its existing scenic easement on the land described in paragraph (b). The United States has agreed to the proposed construction of a sanitary drain field by the Minnesota department of transportation on the land described in paragraph (b).

(g) The conveyances transferring the land described in subdivision 1, paragraph (b), to the United States and the land described in paragraph (b) to the state of Minnesota must be in a form approved by the attorney general.

Sec. 9. REPEALER.

Minnesota Statutes 1992, section 173.14, is repealed. Minnesota Rules, part 8810.1300, subpart 6, is repealed.

Sec. 10. EFFECTIVE DATE.

Sections 1 to 9 are effective the day following final enactment.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 5:55 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.