

**CHAPTER 168—H.F.No. 878**

*An act relating to transportation; adding provision governing relocation of highway centerline; modifying provisions relating to county state-aid highways and municipal state-aid streets; modifying provisions relating to seat belts; regulating placement of advertising devices; providing procedures for plats of lands abutting state rail bank property; requiring a study and report; amending Minnesota Statutes 2008, sections 161.16, by adding a subdivision; 162.06, subdivision 5; 162.07, subdivision 2; 162.09, subdivision 4; 162.13, subdivision 2; 169.686, subdivisions 1, 2; 173.02, by adding subdivisions; 173.16, subdivision 4; 505.03, subdivision 2.*

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

Section 1. Minnesota Statutes 2008, section 161.16, is amended by adding a subdivision to read:

Subd. 7. Survey of trunk highway centerline. (a) When the physical location of a trunk highway centerline will be changed by order of the commissioner and the commissioner is aware that a property description has been written to the centerline, the commissioner shall file with the recorder in the county where the highway is located a survey of the existing centerline prior to changing or removing the trunk highway.

(b) The survey of the trunk highway centerline must be prepared on four-mil transparent reproducible film or its equivalent. Sheet size must be 22 inches by 34 inches. A border line must be placed one-half inch inside the outer edge of the sheet on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the sheet on the left 22-inch side. If a survey of the trunk highway centerline consists of more than one sheet, the sheets must be numbered consecutively. The survey of the trunk highway centerline must include:

(1) a graphic depiction of the existing trunk highway centerline;

(2) distances along the centerline, and ties to the corners of the public land survey, expressed in feet and hundredths of a foot. All straight line segments of the plat must be labeled with the length of the line and bearing or azimuth. All curved line segments of the plat must be labeled with the central angle, arc length, and radius length. If any curve is nontangential, the dimensions must include a long chord bearing or azimuth, and must be labeled nontangential;

(3) a north arrow and directional orientation note;

(4) a graphics scale along with the label "Scale In Feet";

(5) the position, description, and ties from the trunk highway centerline to corners of the public land survey;

(6) identification of the public land survey quarter section or sections, government lot or lots, and the county through which the depicted trunk highway centerline runs; and

(7) the date of the survey.

(c) The survey of the trunk highway centerline must be certified by the commissioner of transportation or the commissioner's designated assistant and by a licensed land surveyor.

(d) Upon submission to the recorder in the county where the depicted trunk highway centerline is located, and upon payment of appropriate fees, the survey of the trunk highway centerline must be filed of record.

Sec. 2. Minnesota Statutes 2008, section 162.06, subdivision 5, is amended to read:

Subd. 5. **State park road account.** After deducting for administrative costs and for the disaster account and research account from the amount available as provided in this section, the commissioner shall deduct a sum equal to the three-quarters of one percent of the remainder. The sum so deducted shall be set aside in a separate account and shall be used for (1) the establishment, location, relocation, construction, reconstruction, and improvement of those roads included in the county state-aid highway system under Minnesota Statutes 1961, section 162.02, subdivision 6, which border and provide substantial access to an outdoor recreation unit as defined in section 86A.04 or which provide access to the headquarters of or the principal parking lot located within such a unit, and (2) the reconstruction, improvement, repair, and maintenance of county roads, city streets, and town roads that provide access to public lakes, rivers, state parks, and state campgrounds. Roads described in clause (2) are not required to meet county state-aid highway standards. At the request of the commissioner of natural resources the counties wherein such roads are located shall do such work as requested in the same manner as on any county state-aid highway and shall be reimbursed for such construction, reconstruction, or improvements from the amount set aside by this subdivision. Before requesting a county to do work on a county state-aid highway as provided in this subdivision, the commissioner of natural resources must obtain approval for the project from the County State-Aid Screening Board. The screening board, before giving its approval, must obtain a written comment on the project from the county engineer of the county requested to undertake the project. Before requesting a county to do work on a county road, city street, or a town road that provides access to a public lake, a river, a state park, or a state campground, the commissioner of natural resources shall obtain a written comment on the project from the county engineer of the county requested to undertake the project. ~~Any sums paid to counties or cities in accordance with this subdivision shall reduce the money needs of said counties or cities in the amounts necessary to equalize their status with those counties or cities not receiving such payments.~~ Any balance of the amount so set aside, at the end of each year ~~shall~~ must be transferred to the county state-aid highway fund.

Sec. 3. Minnesota Statutes 2008, section 162.07, subdivision 2, is amended to read:

Subd. 2. **Money needs defined.** For the purpose of this section, money needs of each county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county state-aid highway system in that county. Costs incidental to construction, or a specified portion thereof as set forth in the commissioner's rules may be included in determining money needs. To avoid variances in costs due to differences in construction policy, construction costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the

several counties. ~~Any variance granted pursuant to section 162.02, subdivision 3a shall be reflected in the estimated construction costs in determining money needs.~~

Sec. 4. Minnesota Statutes 2008, section 162.09, subdivision 4, is amended to read:

Subd. 4. **Federal census is conclusive.** (a) In determining whether any city has a population of 5,000 or more, the last federal census shall be conclusive, except as otherwise provided in this subdivision.

~~(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall receive the following percentages of its 1981 apportionment for the years indicated. 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census. The governing body of ~~the~~ a city may contract with the United States Bureau of the Census to take ~~one~~ a special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the ~~1990~~ next federal census is completed and filed. The expense of taking the special census shall be paid by the city.~~

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

(d) The population of a city created by the consolidation of two or more previously incorporated cities shall be determined by the most recent population estimate of the Metropolitan Council or state demographer, until the first federal decennial census or special census taken after the consolidation.

(e) The population of a city that is not receiving a municipal state-aid street fund apportionment shall be determined, upon request of the city, by the most recent population estimate of the Metropolitan Council or state demographer. A municipal state-aid street fund apportionment received by the city must be based on this population estimate until the next federal decennial census or special census.

Sec. 5. Minnesota Statutes 2008, section 162.13, subdivision 2, is amended to read:

Subd. 2. **Money needs defined.** For the purpose of this section money needs of each city having a population of 5,000 or more are defined as the estimated cost of constructing and maintaining over a period of 25 years the municipal state-aid street system in such city. Right-of-way costs and drainage shall be included in money needs. Lighting costs and other costs incidental to construction and maintenance, or a specified portion of such costs, as set forth in the commissioner's rules, may be included in determining money needs. When a county locates a county state-aid highway over a portion of a street in any such city and the remaining portion is designated as a municipal state-aid street only the construction and maintenance costs of the portion of the street other than the portions taken over by the county shall be included in the money needs of the city. To avoid variances in costs due to differences in construction and maintenance policy, construction and maintenance costs shall be estimated on the basis of the engineering standards developed

cooperatively by the commissioner and the engineers, or a committee thereof, of the cities. ~~Any variance granted pursuant to section 162.09, subdivision 3a shall be reflected in the estimated construction and maintenance costs in determining money needs.~~

Sec. 6. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

~~(1) the driver and passengers of a passenger vehicle or commercial motor vehicle, type III vehicle, and type III Head Start vehicle;~~

~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle, and~~

~~(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.~~

(b) a person who is 15 years of age or older and who violates paragraph (a), ~~clause (1) or (2);~~ is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial motor vehicle in which the violation occurred~~ a violation occurs is subject to a \$25 fine for ~~a~~ each violation of paragraph (a), ~~clause (2) or (3),~~ by the driver or by a child of the driver passenger under the age of 15 ~~or any child under the age of 11.~~ A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

**EFFECTIVE DATE.** This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 7. Minnesota Statutes 2008, section 169.686, subdivision 2, is amended to read:

Subd. 2. **Seat belt exemptions.** This section shall not apply to:

(1) a person driving a passenger vehicle in reverse;

(2) a person riding in a ~~seat~~ vehicle in which all the seating positions equipped with safety belts are occupied by other persons in safety belts;

(3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;

(4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

(5) a rural mail carrier of the United States Postal Service or a newspaper delivery person while in the performance of duties;

(6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and

(7) a person driving or riding in a pickup truck, ~~as defined in section 168.002, subdivision 26,~~ while engaged in normal farming work or activity.

Sec. 8. Minnesota Statutes 2008, section 173.02, is amended by adding a subdivision to read:

Subd. 19a. **Expressway.** "Expressway" has the meaning given it in section 160.02, subdivision 18b.

Sec. 9. Minnesota Statutes 2008, section 173.02, is amended by adding a subdivision to read:

Subd. 19b. **Freeway.** "Freeway" has the meaning given it in section 160.02, subdivision 19.

Sec. 10. Minnesota Statutes 2008, section 173.16, subdivision 4, is amended to read:

Subd. 4. **Spacing.** (a) Advertising devices shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with the drivers' view of approaching, merging, or intersecting traffic for a distance of 500 feet.

(b) No advertising device shall be erected closer to any other such advertising device on the same side of the same highway facing traffic proceeding in the same direction than (1) 500 feet on any interstate highway or ~~fully controlled~~ freeway in a zoned or unzoned commercial or industrial area within or outside an incorporated city, (2) 300 feet on a primary highway in a zoned commercial or industrial area outside an incorporated city, (3) 400 feet on a primary highway in an unzoned commercial or industrial area outside an incorporated city, (4) 100 feet on a primary highway inside an incorporated city; provided, however, that this provision shall not prevent the erection of double-faced, back-to-back, or V-type advertising devices with a maximum of two signs per facing; provided further, however, that such spacing requirements shall not apply as between any off-premise advertising device permitted under the provisions of Laws 1971, chapter 883.

(c) The above spacing between advertising devices does not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

(d) On interstate highways ~~or fully controlled-access freeways~~ outside of incorporated cities, no advertising device may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. On freeways and expressways where there are grade-separated interchanges outside incorporated cities, no advertising device may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet shall be measured along such highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(e) On primary highways outside of incorporated cities, no advertising device may be located closer than 300 feet from the intersection of any primary highway at grade with another highway, or with a railroad; provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

Sec. 11. Minnesota Statutes 2008, section 505.03, subdivision 2, is amended to read:

Subd. 2. **Plat approval; road review.** (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon state rail bank property or upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. Preliminary plats in a city or town involving state rail bank property or both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation. Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.

(b) If any proposed preliminary plat or initial plat filing ~~that~~ includes land located in a city or town bordering either state rail bank property or an existing or proposed county road, highway, or county state-aid highway ~~that, and the property, road, or highway~~ is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, then the plat or plat filing must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.

(c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, section 15.99 or 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

(d) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing:

(1) the outlet for and means of disposal of surface waters from the proposed platted area;

(2) the land use designation or zoning category of the proposed platted area;

(3) the locations of ingress and egress to the proposed platted area; and

(4) a preliminary site plan for the proposed platted area, with dimensions to scale, authenticated by a registered engineer or land surveyor, showing:

(i) the state rail bank property;

(ii) the existing or proposed state highway, county road, or county highway; and

(iii) all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions.

(e) Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. A city, town, or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision.

**Sec. 12. KATHRYN SWANSON SEAT BELT SAFETY ACT.**

If 2009 H.F. No. 108 is enacted, it may be cited as the Kathryn Swanson Seat Belt Safety Act.

**Sec. 13. STUDY OF MANDATORY 24-HOUR VEHICLE LIGHTING.**

(a) The commissioner of public safety, in cooperation with the commissioner of transportation, shall study the mandatory 24-hour use of vehicle lighting by vehicles on public highways. The study must examine the experience of jurisdictions in this country, Canada, and the European Union, that require 24-hour display of vehicle lighting, including but not limited to:

(1) environmental consequences;

(2) crash prevention;

(3) motorcycle, bicycle, and pedestrian safety;

(4) cost to drivers; and

(5) application to motorcycles.

(b) By January 15, 2011, the commissioners of transportation and public safety shall report their findings and recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy. The report must be made electronically and available in print only upon request.

(c) The commissioners of public safety and transportation shall study and report under this section within current appropriations.

**Sec. 14. SUPERSEDING PROVISIONS.**

The provisions amending Minnesota Statutes, section 169.686, in this act supersede any inconsistent or conflicting provisions in 2009 H.F. No. 108, if enacted, regardless of

the order of enactment or effective date of the provisions contained in this act and in 2009 H.F. No. 108.

Presented to the governor May 20, 2009

Signed by the governor May 22, 2009, 5:32 p.m.