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State of Minnesota
HOUSE OF REPRESENTATIVES
First Division Engrossment

NINETY-FIRST SESSION

H. F. No. **1623**

02/25/2019 Authored by Hornstein
The bill was read for the first time and referred to the Transportation Finance and Policy Division
03/07/2019 Adoption of Report: Re-referred to the Committee on Ways and Means
Division Action
03/11/2019 *Referred by Chair to the Transportation Finance and Policy Division*
03/14/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

- 1.1 A bill for an act
- 1.2 relating to transportation; making miscellaneous policy changes, including but not
- 1.3 limited to provisions governing traffic regulations, school bus warning lights,
- 1.4 airport zoning, legislative route removals, and memorial highways and bridges;
- 1.5 amending Minnesota Statutes 2018, sections 161.115, subdivision 111; 161.14,
- 1.6 by adding subdivisions; 161.32, subdivision 2; 169.18, subdivision 7; 169.20, by
- 1.7 adding a subdivision; 169.442, subdivision 5, by adding a subdivision; 169.448,
- 1.8 subdivision 1; 169.4503, subdivisions 5, 13, by adding a subdivision; 169.55,
- 1.9 subdivision 1; 169.57, subdivision 3; 169.64, subdivisions 3, 8, by adding a
- 1.10 subdivision; 169.81, by adding a subdivision; 169.8261, subdivision 2; 169.829,
- 1.11 subdivision 4; 171.041; 174.12, subdivision 8; 360.013, by adding a subdivision;
- 1.12 360.017, subdivision 1; 360.021, subdivision 1; 360.024; 360.062; 360.063,
- 1.13 subdivisions 1, 3; 360.064, subdivision 1; 360.065, subdivision 1; 360.066,
- 1.14 subdivision 1; 360.067, by adding a subdivision; 360.071, subdivision 2; 360.305,
- 1.15 subdivision 6; 394.22, by adding a subdivision; 394.23; 394.231; 394.25,
- 1.16 subdivision 3; 462.352, by adding a subdivision; 462.355, subdivision 1; 462.357,
- 1.17 subdivision 9, by adding a subdivision; 574.26, subdivision 1a; Laws 2014, chapter
- 1.18 312, article 11, section 38, subdivisions 5, 6; proposing coding for new law in
- 1.19 Minnesota Statutes, chapter 360; repealing Minnesota Statutes 2018, sections
- 1.20 360.063, subdivision 4; 360.065, subdivision 2; 360.066, subdivisions 1a, 1b.
- 1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.22 Section 1. Minnesota Statutes 2018, section 161.115, subdivision 111, is amended to read:
- 1.23 Subd. 111. **Route No. 180.** Beginning at a point on Route No. ~~392 southwest or west~~
- 1.24 ~~of Ashby 3 at or near Erdahl~~, thence extending in a general northerly or northeasterly
- 1.25 direction to a point on ~~Route No. 153 as herein established at or near Ashby, thence extending~~
- 1.26 ~~in a northeasterly direction to a point on~~ Route No. 181 as herein established at or near
- 1.27 Ottertail.

Sec. 2. Minnesota Statutes 2018, section 161.14, is amended by adding a subdivision to read:

Subd. 88. **Trooper Ray Krueger Memorial Highway.** That segment of marked Trunk Highway 210 within Cass County is designated as "Trooper Ray Krueger Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable design to mark this highway and erect appropriate signs in the vicinity of the location where Trooper Krueger died.

Sec. 3. Minnesota Statutes 2018, section 161.14, is amended by adding a subdivision to read:

Subd. 89. **Warrant Officer Dennis A. Groth Memorial Bridge.** The bridge on marked U.S. Highway 52 over Dakota County State-Aid Highway 42, known as 145th Street within the city of Rosemount, is designated as "Warrant Officer Dennis A. Groth Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable design to mark the bridge and erect appropriate signs.

Sec. 4. Minnesota Statutes 2018, section 161.14, is amended by adding a subdivision to read:

Subd. 90. **Specialist Noah Pierce Bridge.** The bridge on marked U.S. Highway 53 over marked Trunk Highway 37 in the city of Eveleth is designated as "Specialist Noah Pierce Bridge." Subject to section 161.139, the commissioner shall adopt a suitable design to mark this bridge and erect appropriate signs.

Sec. 5. Minnesota Statutes 2018, section 161.32, subdivision 2, is amended to read:

Subd. 2. **Direct negotiation.** In cases where the estimated cost of construction work or maintenance work does not exceed ~~\$150,000~~ \$250,000, the commissioner may enter into a contract for the work by direct negotiation, by obtaining two or more quotations for the work, and without advertising for bids or otherwise complying with the requirements of competitive bidding if the total contractual obligation of the state for the directly negotiated contract or contracts on any single project does not exceed ~~\$150,000~~ \$250,000. All quotations obtained shall be kept on file for a period of at least one year after receipt of the quotation.

Sec. 6. Minnesota Statutes 2018, section 169.18, subdivision 7, is amended to read:

Subd. 7. **Laned highway.** When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent ~~herewith~~ with this subdivision, ~~shall~~ apply:

~~(a)~~ (1) a vehicle shall be driven as nearly as practicable entirely within a single lane and ~~shall~~ must not be moved from ~~such~~ the lane until the driver has first ascertained that ~~such~~ the movement can be made with safety;

~~(b)~~ (2) upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle ~~shall~~ must not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is signposted to give notice of ~~such~~ the allocation. The left lane of a three-lane roadway which is not a one-way roadway ~~shall~~ must not be used for overtaking and passing another vehicle;

~~(c)~~ (3) official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles ~~shall~~ must obey the ~~directions of every such~~ sign;

~~(d)~~ (4) whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on ~~such~~ the roadway ~~shall~~ must not drive in the bicycle lane except to perform parking maneuvers in order to park where parking is permitted, to enter or leave the highway, to prepare for a turn as provided in section 169.19, subdivision 1, or to stop a school bus for the purpose of receiving or discharging any person provided the school bus is equipped and identified as provided in sections 169.441 and 169.442, subdivision 1, and the flashing red signals are activated and stop-signal arm is extended; and

(5) notwithstanding clause (1), the operator of a vehicle or combination of vehicles with a total length exceeding 40 feet or a total width exceeding ten feet may, with due regard for all other traffic, deviate from the lane in which the operator is driving to the extent necessary to approach and drive through a roundabout.

Sec. 7. Minnesota Statutes 2018, section 169.20, is amended by adding a subdivision to read:

Subd. 8. **Roundabouts.** If two vehicles or combinations of vehicles each having a total length exceeding 40 feet or a total width exceeding ten feet approach or drive through a

roundabout at approximately the same time or so closely as to constitute a hazard of collision,
the operator of the vehicle or combination of vehicles on the right must yield the right-of-way
to the vehicle or combination of vehicles on the left and, if necessary, must reduce speed
or stop in order to so yield.

Sec. 8. Minnesota Statutes 2018, section 169.442, subdivision 5, is amended to read:

Subd. 5. **White strobe lamps on certain buses transporting children.** ~~Notwithstanding~~
~~section 169.55, subdivision 1, or 169.57, subdivision 3, paragraph (b), or other law to the~~
~~contrary,~~ A school bus that is subject to and complies with the equipment requirements of
~~subdivision 1 and section 169.441, subdivision 1,~~ or a Head Start bus, may be equipped
with a flashing strobe lamp under section 169.64, subdivision 8.

Sec. 9. Minnesota Statutes 2018, section 169.442, is amended by adding a subdivision to
read:

Subd. 6. **Supplemental warning system.** In addition to the signals required under
subdivision 1, a type A, B, C, or D school bus may be equipped with a supplemental warning
system under section 169.4503, subdivision 31.

Sec. 10. Minnesota Statutes 2018, section 169.448, subdivision 1, is amended to read:

Subdivision 1. **Restrictions on appearance; misdemeanor.** (a) A bus that is not used
as a school bus ~~may~~ must not be operated on a street or highway unless it is painted a color
significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is
equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a
school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care
provider if:

(1) the ~~stop~~ stop-signal arm is removed;

(2) the ~~eight-light system~~ is lighting systems for prewarning flashing amber signals,
flashing red signals, and supplemental warnings under section 169.4503, subdivision 31,
are deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus;

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

(5) the conditions under section 171.02, subdivision 2a, paragraphs (a) ~~through~~ to (j), and (l), ~~and (n)~~, have been met.

Sec. 11. Minnesota Statutes 2018, section 169.4503, subdivision 5, is amended to read:

Subd. 5. **Colors.** Fenderettes may be black. The beltline may be painted yellow over black or black over yellow. The rub rails ~~shall~~ must be black or yellow. The area around the lenses of alternately flashing signal lamps extending outward from the edge of the lamp three inches, plus or minus one-quarter inch, to the sides and top and at least one inch to the bottom, ~~shall~~ must be black. Visors or hoods, black in color, with a minimum of four inches may be provided.

Sec. 12. Minnesota Statutes 2018, section 169.4503, subdivision 13, is amended to read:

Subd. 13. **Identification.** (a) Each bus ~~shall~~ must, in the beltline, identify the school district serviced, or company name, or owner of the bus. Numbers necessary for identification must appear on the sides and rear of the bus. Symbols or letters may be used on the outside of the bus near the entrance door for student identification. A manufacturer's nameplate or logo may be placed on the bus.

(b) ~~Effective December 31, 1994,~~ All type A, B, C, and D buses sold must display lettering "Unlawful to pass when red lights are flashing" on the rear of the bus. The lettering ~~shall~~ must be in two-inch black letters on school bus yellow background. This message ~~shall~~ must be displayed directly below the upper window of the rear door. On rear engine buses, it ~~shall~~ must be centered at approximately the same location. Only signs and lettering approved or required by state law ~~may~~ are permitted to be displayed.

(c) The requirements of paragraph (b) do not apply to a type A, B, C, or D school bus that is equipped with a changeable electronic message sign on the rear of the bus that:

(1) displays one or more of the messages: "Caution / stopping," "Unlawful to pass," "Stop / do not pass," or similar messages approved by the commissioner;

(2) displays messages in conjunction with bus operation and activation of prewarning flashing amber signals, flashing red signals, or stop-signal arm, as appropriate; and

6.1 (3) is a supplemental warning system under section 169.4503, subdivision 31.

6.2 Sec. 13. Minnesota Statutes 2018, section 169.4503, is amended by adding a subdivision
6.3 to read:

6.4 Subd. 31. **Supplemental warning system; temporary authority.** (a) Prior to August
6.5 1, 2022, the commissioner may approve a type A, B, C, or D school bus to be equipped
6.6 with a supplemental warning system. On and after that date, a school bus may continue to
6.7 be equipped with a previously approved supplemental warning system.

6.8 (b) To determine approval of a supplemental warning system, the commissioner must
6.9 consider:

6.10 (1) signal colors, which are limited to one or more of the colors white, amber, and red;

6.11 (2) flashing patterns;

6.12 (3) vehicle mounting and placement;

6.13 (4) supplemental warning system activation in conjunction with activation of prewarning
6.14 flashing amber signals, stop-signal arm, and flashing red signals;

6.15 (5) light intensity; and

6.16 (6) permissible text, signage, and graphics, if any.

6.17 (c) The commissioner must review relevant research findings and experience in other
6.18 jurisdictions, and must consult with interested stakeholders, including but not limited to
6.19 representatives from school district pupil transportation directors, private school bus
6.20 operators, and pupil transportation and traffic safety associations.

6.21 Sec. 14. Minnesota Statutes 2018, section 169.55, subdivision 1, is amended to read:

6.22 Subdivision 1. **Lights or reflectors required.** At the times when lighted lamps on
6.23 vehicles are required each vehicle including an animal-drawn vehicle and any vehicle
6.24 specifically excepted in sections 169.47 to 169.79, with respect to equipment and not
6.25 ~~hereinbefore specifically~~ previously required to be equipped with lamps, ~~shall~~ must be
6.26 equipped with one or more lighted lamps or lanterns projecting a white light visible from
6.27 a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red
6.28 light visible from a distance of 500 feet to the rear, except that reflectors meeting the
6.29 maximum requirements of this chapter may be used in lieu of the lights required in this
6.30 subdivision. ~~It shall be unlawful except as otherwise provided in this subdivision, to project~~
6.31 ~~a white light to the rear of any such vehicle while traveling on any street or highway, unless~~

~~such vehicle is moving in reverse. A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear. An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.~~

Sec. 15. Minnesota Statutes 2018, section 169.57, subdivision 3, is amended to read:

Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps or signal lamps, ~~such~~ the lamps ~~shall~~ must at all times be maintained in good working condition.

~~(b) No stop lamps or signal lamp shall project a glaring or dazzling light.~~

~~(c)~~ All mechanical signal devices ~~shall~~ must be self-illuminated when in use at the times when lighted lamps on vehicles are required.

Sec. 16. Minnesota Statutes 2018, section 169.64, subdivision 3, is amended to read:

Subd. 3. **Flashing lights; glaring lights.** (a) Flashing lights are prohibited, except:

(1) on an authorized emergency vehicle, school bus, bicycle as provided in section 169.222, subdivision 6, road maintenance equipment, tow truck or towing vehicle as provided in section 168B.16, service vehicle, farm tractor, self-propelled farm equipment, rural mail carrier vehicle, or funeral home vehicle, or;

(2) on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing; or

(3) as otherwise provided in this section.

(b) All flashing warning lights shall must be of the type authorized by section 169.59, subdivision 4, unless otherwise permitted or required in this chapter.

(c) A stop lamp or signal lamp is prohibited from projecting a glaring or dazzling light, except for:

(1) strobe lamps as provided under subdivision 8 or section 169.59, subdivision 4; or

(2) a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31.

Sec. 17. Minnesota Statutes 2018, section 169.64, is amended by adding a subdivision to read:

Subd. 4a. **White light.** (a) It is unlawful to project a white light at the rear of a vehicle while traveling on any street or highway, except:

(1) for a vehicle moving in reverse;

(2) for a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31;

(3) for a strobe lamp as provided under subdivision 8;

(4) as required for license plate illumination under section 169.50, subdivision 2;

(5) as provided in section 169.59, subdivision 4; and

(6) as otherwise provided in this subdivision.

(b) A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear.

(c) An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.

Sec. 18. Minnesota Statutes 2018, section 169.64, subdivision 8, is amended to read:

~~Subd. 8. **Strobe lamp.** (a) Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b); or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is:~~

~~(1) a school bus that is subject to and complies with the equipment requirements of sections 169.441, subdivision 1, and section 169.442, subdivision 1, or a Head Start bus. The lamp must operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use; or~~

~~(2) a road maintenance vehicle owned or under contract to the Department of Transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.~~

(b) Notwithstanding ~~sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b); or~~ any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits an amber light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is a rural mail carrier vehicle, provided that the strobe lamp is mounted at the highest practicable point on the vehicle. The strobe lamp may only be operated while the vehicle is actually engaged during daylight hours in the delivery of mail to residents on a rural mail route.

(c) A strobe lamp authorized by this ~~section shall~~ subdivision must be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having ~~a minimum~~ an effective light output of 200 candelas ~~as measured by the Blondel-Rey formula~~ that meets or exceeds the most recent version of SAE International standard J845, Class 2, or a subsequent standard.

Sec. 19. Minnesota Statutes 2018, section 169.81, is amended by adding a subdivision to read:

Subd. 11. **Automobile transporter.** (a) For purposes of this subdivision, the following terms have the meanings given them:

(1) "automobile transporter" means any vehicle combination designed and used to transport assembled highway vehicles, including truck camper units;

(2) "stinger-steered combination automobile transporter" means a truck tractor semitrailer having the fifth wheel located on a drop frame located behind and below the rear-most axle of the power unit; and

(3) "backhaul" means the return trip of a vehicle transporting cargo or general freight, including when carrying goods back over all or part of the same route.

(b) Stinger-steered combination automobile transporters having a length of 80 feet or less may be operated on interstate highways and other highways designated in this section, and in addition may carry a load that extends the length by four feet or less in the front of the vehicle and six feet or less in the rear of the vehicle.

(c) An automobile transporter may transport cargo or general freight on a backhaul, provided it complies with weight limitations for a truck tractor and semitrailer combination under section 169.824.

10.1 Sec. 20. Minnesota Statutes 2018, section 169.8261, subdivision 2, is amended to read:

10.2 Subd. 2. **Conditions.** (a) A vehicle or combination of vehicles described in subdivision
10.3 1 must:

10.4 (1) comply with seasonal load restrictions in effect between the dates set by the
10.5 commissioner under section 169.87, subdivision 2;

10.6 (2) comply with bridge load limits posted under section 169.84;

10.7 (3) be equipped and operated with six or more axles and brakes on all wheels;

10.8 (4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle
10.9 weight during the time when seasonal increases are authorized under section 169.826;

10.10 (5) not be operated on interstate highways;

10.11 (6) obtain an annual permit from the commissioner of transportation;

10.12 (7) obey all road postings; and

10.13 (8) not exceed 20,000 pounds gross weight on any single axle.

10.14 (b) A vehicle operated under this section may exceed the legal axle weight limits listed
10.15 in section 169.824 by not more than 12.5 percent; except that, the weight limits may be
10.16 exceeded by not more than 23.75 percent during the time when seasonal increases are
10.17 authorized under section 169.826, subdivision 1.

10.18 (c) Notwithstanding paragraph (a), clause (5), a vehicle or combination of vehicles
10.19 hauling raw or unfinished forest products may operate on the segment of marked Interstate
10.20 Highway 35 provided under United States Code, title 23, section 127(q)(2)(D).

10.21 Sec. 21. Minnesota Statutes 2018, section 169.829, subdivision 4, is amended to read:

10.22 Subd. 4. **Certain emergency vehicles.** (a) The provisions of sections 169.80 to 169.88
10.23 governing size, weight, and load do not apply to a fire apparatus, a law enforcement special
10.24 response vehicle, or a licensed land emergency ambulance service vehicle.

10.25 (b) Emergency vehicles designed to transport personnel and equipment to support the
10.26 suppression of fires and to mitigate other hazardous situations are subject to the following
10.27 weight limitations when operated on an interstate highway: (1) 24,000 pounds on a single
10.28 steering axle; (2) 33,500 pounds on a single drive axle; (3) 52,000 pounds on a tandem rear
10.29 drive steer axle; and (4) 62,000 pounds on a tandem axle. The gross weight of an emergency
10.30 vehicle operating on an interstate highway must not exceed 86,000 pounds.

11.1 Sec. 22. Minnesota Statutes 2018, section 171.041, is amended to read:

11.2 **171.041 RESTRICTED LICENSE FOR FARM WORK.**

11.3 (a) Notwithstanding any provisions of section 171.04 relating to the age of an applicant
11.4 to the contrary, the commissioner may issue a restricted farm work license to operate a
11.5 motor vehicle to a person who has attained the age of 15 years and who, except for age, is
11.6 qualified to hold a driver's license. The applicant is not required to comply with the six-month
11.7 instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and
11.8 171.05, subdivision 2a, or with the 12-month provisional license possession provision of
11.9 section 171.04, subdivision 1, clause (1), item (i).

11.10 (b) The restricted license ~~shall~~ must be issued solely for the purpose of authorizing the
11.11 person to whom the restricted license is issued to assist the person's parents or guardians
11.12 with farm work. An individual may perform farm work under the restricted license for any
11.13 entity authorized to farm under section 500.24. A person holding this restricted license may
11.14 operate a motor vehicle only during daylight hours and only within a radius of ~~20~~ 40 miles
11.15 of the parent's or guardian's farmhouse; however, in no case may a person holding the
11.16 restricted license operate a motor vehicle in a city of the first class.

11.17 (c) An applicant for a restricted license ~~shall~~ must apply to the commissioner for the
11.18 license on forms prescribed by the commissioner. The application ~~shall~~ must be accompanied
11.19 by:

11.20 (1) a copy of a property tax statement showing that the applicant's parent or guardian
11.21 owns land that is classified as agricultural land or a copy of a rental statement or agreement
11.22 showing that the applicant's parent or guardian rents land classified as agricultural land; and

11.23 (2) a written verified statement by the applicant's parent or guardian setting forth the
11.24 necessity for the license.

11.25 **EFFECTIVE DATE.** This section is effective June 1, 2019.

11.26 Sec. 23. Minnesota Statutes 2018, section 174.12, subdivision 8, is amended to read:

11.27 Subd. 8. **Legislative report.** (a) By February 1 of each odd-numbered year, the
11.28 commissioner of transportation, with assistance from the commissioner of employment and
11.29 economic development, ~~shall~~ must submit a report on the transportation economic
11.30 development program to the chairs and ranking minority members of the legislative
11.31 committees with jurisdiction over transportation policy and finance and economic
11.32 development policy and finance.

12.1 (b) At a minimum, the report must:

12.2 (1) summarize the requirements and implementation of the transportation economic
12.3 development program established in this section;

12.4 (2) review the criteria and economic impact performance measures used for evaluation,
12.5 prioritization, and selection of projects;

12.6 (3) provide a brief overview of each project that received financial assistance under the
12.7 program, which must at a minimum identify:

12.8 (i) basic project characteristics, such as funding recipient, geographic location, and type
12.9 of transportation modes served;

12.10 (ii) sources and respective amounts of project funding; and

12.11 (iii) the degree of economic benefit anticipated or observed, following the economic
12.12 impact performance measures established under subdivision 4;

12.13 (4) identify the allocation of funds, including but not limited to a breakdown of total
12.14 project funds by transportation mode, the amount expended for administrative costs, and
12.15 the amount transferred to the transportation economic development assistance account;

12.16 (5) evaluate the overall economic impact of the program; and

12.17 (6) provide recommendations for any legislative changes related to the program.

12.18 (c) Notwithstanding paragraph (a), a report is not required in an odd-numbered year if
12.19 no project received financial assistance during the preceding 24 months.

12.20 Sec. 24. Minnesota Statutes 2018, section 360.013, is amended by adding a subdivision
12.21 to read:

12.22 Subd. 46a. **Comprehensive plan.** "Comprehensive plan" has the meaning given in
12.23 section 394.22, subdivision 9, or 462.352, subdivision 5.

12.24 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019.

12.25 Sec. 25. Minnesota Statutes 2018, section 360.017, subdivision 1, is amended to read:

12.26 Subdivision 1. **Creation; authorized disbursements.** (a) There is hereby created a fund
12.27 to be known as the state airports fund. The fund shall consist of all money appropriated to
12.28 it, or directed to be paid into it, by the legislature.

12.29 (b) The state airports fund shall be paid out on authorization of the commissioner and
12.30 shall be used:

13.1 (1) to acquire, construct, improve, maintain, and operate airports and other air navigation
13.2 facilities;

13.3 (2) to assist municipalities in the planning, acquisition, construction, improvement, and
13.4 maintenance of airports and other air navigation facilities;

13.5 (3) to assist municipalities to initiate, enhance, and market scheduled air service at their
13.6 airports;

13.7 (4) to promote interest and safety in aeronautics through education and information; and

13.8 (5) to pay the salaries and expenses of the Department of Transportation related to
13.9 aeronautic planning, administration, and operation. All allotments of money from the state
13.10 airports fund for salaries and expenses shall be approved by the commissioner of management
13.11 and budget.

13.12 ~~(e) A municipality that adopts a comprehensive plan that the commissioner finds is~~
13.13 ~~incompatible with the state aviation plan is not eligible for assistance from the state airports~~
13.14 ~~fund.~~

13.15 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
13.16 applies to airport sponsors that make or plan to make changes to runway lengths or
13.17 configurations on or after that date. Airport safety zoning ordinances that were approved
13.18 by the commissioner and effective before August 1, 2019, remain valid until or unless the
13.19 airport sponsor (1) makes or plans to make changes to runway lengths or configurations,
13.20 or (2) is required to update airport safety zoning ordinances.

13.21 Sec. 26. Minnesota Statutes 2018, section 360.021, subdivision 1, is amended to read:

13.22 Subdivision 1. **Authority to establish.** The commissioner is authorized and empowered,
13.23 on behalf of and in the name of this state, within the limitation of available appropriations,
13.24 to acquire, by purchase, gift, devise, lease, condemnation proceedings, or otherwise, property,
13.25 real or personal, for the purpose of establishing and constructing restricted landing areas
13.26 and other air navigation facilities and to acquire in like manner, own, control, establish,
13.27 construct, enlarge, improve, maintain, equip, operate, regulate, and police such restricted
13.28 landing areas and other air navigation facilities, either within or without this state; and to
13.29 make, prior to any such acquisition, investigations, surveys, and plans. The commissioner
13.30 may maintain, equip, operate, regulate, and police airports, either within or without this
13.31 state. The operation and maintenance of airports is an essential public service. The
13.32 commissioner may maintain at such airports facilities for the servicing of aircraft and for
13.33 the comfort and accommodation of air travelers. The commissioner may dispose of any

such property, airport, restricted landing area, or any other air navigation facility, by sale, lease, or otherwise, in accordance with the laws of this state governing the disposition of other like property of the state. The commissioner may not acquire or take over any restricted landing area, or other air navigation facility without the consent of the owner. The commissioner shall not acquire any additional state airports nor establish any additional state-owned airports. The commissioner may erect, equip, operate, and maintain on any airport buildings and equipment necessary and proper to maintain, and conduct such airport and air navigation facilities connected therewith. The commissioner shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the ~~governmental unit~~ municipality, county, or joint airport zoning board involved has or is establishing a zoning authority for that airport, and the authority has made a good-faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner may provide funds to support airport safety projects that maintain existing infrastructure, regardless of a zoning authority's efforts to complete a zoning regulation. The commissioner may withhold funding from only the airport subject to the proposed zoning ordinance. Notwithstanding the foregoing prohibition, the commissioner may continue to maintain the state-owned airport at Pine Creek.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 27. Minnesota Statutes 2018, section 360.024, is amended to read:

360.024 AIR TRANSPORTATION SERVICE ~~CHARGE~~.

Subdivision 1. **Charges.** (a) The commissioner ~~shall~~ must charge users of air transportation services provided by the commissioner for direct operating costs, excluding pilot salary ~~and~~.

(b) The commissioner must charge users for a portion of aircraft acquisition, replacement, or leasing costs.

Subd. 2. **Accounts; appropriation.** (a) An air transportation services account is established in the state airports fund. The account consists of money collected under subdivision 1, paragraph (a), and any other money donated, allotted, transferred, or otherwise

provided to the account. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are Money in the account is annually appropriated to the commissioner to pay these direct air service operating costs.

(b) An aircraft capital account is established in the state airports fund. The account consists of collections under subdivision 1, paragraph (b), proceeds from the sale of aircraft under jurisdiction of the department, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account must be used for aircraft acquisition, replacement, or leasing costs. Except as provided by law, the commissioner must not transfer money into or out of the account.

EFFECTIVE DATE. This section is effective July 1, 2019.

Sec. 28. Minnesota Statutes 2018, section 360.062, is amended to read:

360.062 AIRPORT HAZARD PREVENTION; PROTECTING EXISTING NEIGHBORHOOD LAND USES.

(a) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports ~~in built-up urban areas, particularly established residential neighborhoods,~~ often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

(b) Accordingly, it is hereby declared: (1) ~~that~~ the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (2) ~~that~~ it is ~~therefor~~ necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation; and (3) ~~that~~ the elimination or removal of existing land uses, ~~particularly established residential neighborhoods in built-up urban areas,~~ or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety.

(c) It is further declared that the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are essential public purposes services for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 29. Minnesota Statutes 2018, section 360.063, subdivision 1, is amended to read:

Subdivision 1. **Enforcement under police power.** (a) In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits may, unless a joint airport zoning board is permitted under subdivision 3, adopt, amend from time to time, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) ~~For the purpose of promoting~~ In order to promote health, safety, order, convenience, prosperity, general welfare and ~~for conserving~~ to conserve property values and ~~encouraging~~ encourage the most appropriate use of land, the municipality may regulate ~~the location, size and use of buildings and the density of population in that portion of an airport hazard area under approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an~~ in airport hazard area ~~may regulate by land use zoning for a distance not to exceed one mile from the airport boundary, and by height-restriction zoning for a distance not to exceed 1-1/2 miles from the airport boundary~~ areas: (1) land use; (2) height restrictions; (3) the location, size, and use of buildings; and (4) the density of population.

(c) The powers granted by this subdivision may be exercised by metropolitan airports commissions in contiguous cities of the first class in and for which they have been created.

(d) In the case of airports owned or operated by the state of Minnesota such powers shall be exercised by the state airport zoning boards or by the commissioner of transportation as authorized herein.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the

17.1 airport sponsor (1) makes or plans to make changes to runway lengths or configurations,
17.2 or (2) is required to update airport safety zoning ordinances.

17.3 Sec. 30. Minnesota Statutes 2018, section 360.063, subdivision 3, is amended to read:

17.4 Subd. 3. **Joint airport zoning board.** (a) Where an airport is owned or controlled by a
17.5 municipality and an airport hazard area appertaining to the airport is located within the
17.6 territorial limits of another county or municipality, the municipality owning or controlling
17.7 the airport may request a county or municipality in which an airport hazard area is located:

17.8 (1) to adopt and enforce airport zoning regulations for the area in question ~~that conform~~
17.9 ~~to standards prescribed by the commissioner pursuant to subdivision 4~~ under sections
17.10 360.0655 and 360.0656; or

17.11 (2) to join in creating a joint airport zoning board pursuant to paragraph (b). The owning
17.12 or controlling municipality shall determine which of these actions it shall request, except
17.13 as provided in paragraph (e) for the Metropolitan Airports Commission. The request shall
17.14 be made by certified mail to the governing body of each county and municipality in which
17.15 an airport hazard area is located.

17.16 (b) Where an airport is owned or controlled by a municipality and an airport hazard area
17.17 appertaining to the airport is located within the territorial limits of another county or
17.18 municipality, the municipality owning or controlling the airport and the county or other
17.19 municipality within which the airport hazard area is located may, by ordinance or resolution
17.20 duly adopted, create a joint airport zoning board, which board shall have the same power
17.21 to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard
17.22 area in question as that vested by subdivision 1 in the municipality within which the area
17.23 is located. A joint board shall have as members two representatives appointed by the
17.24 municipality owning or controlling the airport and two from the county or municipality, or
17.25 in case more than one county or municipality is involved two from each county or
17.26 municipality, in which the airport hazard is located, and in addition a chair elected by a
17.27 majority of the members so appointed. All members shall serve at the pleasure of their
17.28 respective appointing authority. Notwithstanding any other provision of law to the contrary,
17.29 if the owning and controlling municipality is a city of the first class it shall appoint four
17.30 members to the board, and the chair of the board shall be elected from the membership of
17.31 the board.

17.32 (c) If a county or municipality, within 60 days of receiving a request from an owning
17.33 or controlling municipality pursuant to paragraph (a), fails to adopt, or thereafter fails to
17.34 enforce, the zoning regulations or fails to join in creating a joint airport zoning board, the

owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between the regulations and airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, section 360.064, subdivision 2, applies.

(d) "Owning or controlling municipality," as used in this subdivision, includes:

(1) a joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(2) a joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board; provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(3) the Metropolitan Airports Commission established and operated pursuant to chapter 473.

(e) The Metropolitan Airports Commission shall request creation of one joint airport zoning board for each airport operated under its authority.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 31. Minnesota Statutes 2018, section 360.064, subdivision 1, is amended to read:

Subdivision 1. **Comprehensive regulations.** In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things the height of buildings, any airport zoning regulations applicable to the same area or portion thereof ~~may~~ must be incorporated by reference or incorporated in and made a part of such comprehensive zoning regulations and be administered and enforced in connection therewith.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or

19.1 configurations on or after that date. Airport safety zoning ordinances that were approved
 19.2 by the commissioner and effective before August 1, 2019, remain valid until or unless the
 19.3 airport sponsor (1) makes or plans to make changes to runway lengths or configurations,
 19.4 or (2) is required to update airport safety zoning ordinances.

19.5 Sec. 32. Minnesota Statutes 2018, section 360.065, subdivision 1, is amended to read:

19.6 Subdivision 1. **Notice of proposed zoning regulations, hearing.** (a) No airport zoning
 19.7 regulations shall be adopted, amended, or changed under sections 360.011 to 360.076,
 19.8 except by action of the governing body of the municipality or, county in question, or joint
 19.9 airport zoning board under section 360.0655 or 360.0656, or the boards provided for in
 19.10 section 360.063, subdivisions 3 and 7, or by the commissioner as provided in subdivisions
 19.11 6 and 8, after public hearings, at which parties in interest and citizens shall have an
 19.12 opportunity to be heard.

19.13 (b) A public hearing shall must be held on the proposed airport zoning regulations
 19.14 proposed by a municipality, county, or joint airport zoning board before they are submitted
 19.15 for approval to the commissioner and after that approval but before final adoption by the
 19.16 local zoning authority for approval. If any changes that alter the regulations placed on a
 19.17 parcel of land are made to the proposed airport zoning regulations after the initial public
 19.18 hearing, the municipality, county, or joint airport zoning board must hold a second public
 19.19 hearing before final adoption of the regulation. The commissioner may require a second
 19.20 hearing as determined necessary.

19.21 (c) Notice of a hearing required pursuant to this subdivision shall must be published by
 19.22 the local zoning authority municipality, county, or joint airport zoning board at least three
 19.23 times during the period between 15 days and five days before the hearing in an official
 19.24 newspaper and in a second newspaper designated by that authority which has a wide general
 19.25 circulation in the area affected by the proposed regulations- and posted on the municipality's,
 19.26 county's, or joint airport zoning board's website. If there is not a second newspaper of wide
 19.27 general circulation in the area that the municipality, county, or joint airport zoning board
 19.28 can designate for the notice, the municipality, county, or joint airport zoning board is only
 19.29 required to publish the notice once in the official newspaper of the jurisdiction. The notice
 19.30 shall not be published in the legal notice section of a newspaper. The notice must specify
 19.31 the time, location, and purpose of the hearing, and must identify any additional location and
 19.32 time the proposed regulations will be available for public inspection. A copy of the published
 19.33 notice must be added to the record of the proceedings.

(d) Notice of a hearing ~~shall also be mailed to the governing body of each political subdivision in which property affected by the regulations is located. Notice shall~~ must be given by mail at least ~~15~~ ten days before each hearing to any persons in municipalities that own land proposed to be included in safety zone A or B as provided in the rules of the Department of Transportation and landowners where the location or size of a building, or the density of population, will be regulated. Mailed notice must also be provided at least ten days before each hearing to persons or municipalities that have previously requested such notice from the ~~authority~~. municipality, county, or joint airport zoning board. The notice must specify the time, location, and purpose of the hearing, and must identify any additional location and time the proposed regulations will be made available for public inspection. Mailed notice must also identify the property affected by the regulations. For the purpose of ~~giving~~ providing mailed notice, the ~~authority~~ municipality, county, or joint airport zoning board may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent ~~shall be attested to by the responsible person and shall~~ must be made a part of ~~added to~~ the records of the proceedings. ~~The Failure to give~~ provide mailed notice to individual property owners; or ~~defects a defect in the notice, shall~~ does not invalidate the proceedings; ~~provided~~ if a bona fide attempt to comply with this subdivision ~~has been~~ was made. ~~A notice shall describe the property affected by the proposed regulations and the restrictions to be imposed on the property by the regulations and shall state the place and time at which the proposed regulations are available for public inspection.~~

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 33. [360.0655] AIRPORT ZONING REGULATIONS BASED ON COMMISSIONER'S STANDARDS; SUBMISSION PROCESS.

Subdivision 1. Submission to commissioner; review. (a) Except as provided in section 360.0656, prior to adopting zoning regulations the municipality, county, or joint airport zoning board must submit the proposed regulations to the commissioner for the commissioner to determine whether the regulations conform to the standards prescribed by the commissioner. The municipality, county, or joint airport zoning board may elect to complete

21.1 custom airport zoning under section 360.0656 instead of using the commissioner's standard,
21.2 but only after providing written notice to the commissioner.

21.3 (b) Notwithstanding section 15.99, the commissioner must examine the proposed
21.4 regulations within 90 days of receipt of the regulations and report to the municipality, county,
21.5 or joint airport zoning board the commissioner's approval or objections, if any. Failure to
21.6 respond within 90 days is deemed an approval. The commissioner may request additional
21.7 information from the municipality, county, or joint airport zoning board within the 90-day
21.8 review period. If the commissioner requests additional information, the 90-day review period
21.9 is tolled until the commissioner receives information and deems the information satisfactory.

21.10 (c) If the commissioner objects on the grounds that the regulations do not conform to
21.11 the standards prescribed by the commissioner, the municipality, county, or joint airport
21.12 zoning board must make amendments necessary to resolve the objections or provide written
21.13 notice to the commissioner that the municipality, county, or joint airport zoning board has
21.14 elected to proceed with zoning under section 360.0656.

21.15 (d) If the municipality, county, or joint airport zoning board makes revisions to the
21.16 proposed regulations after its initial public hearing, the municipality, county, or joint airport
21.17 zoning board must conduct a second public hearing on the revisions and resubmit the revised
21.18 proposed regulations to the commissioner for review. The commissioner must examine the
21.19 revised proposed regulations within 90 days of receipt to determine whether the revised
21.20 proposed regulations conform to the standards prescribed by the commissioner.

21.21 (e) If, after a second review period, the commissioner determines that the municipality,
21.22 county, or joint airport zoning board failed to submit proposed regulations that conform to
21.23 the commissioner's standards, the commissioner must provide a final written decision to
21.24 the municipality, county, or joint airport zoning board.

21.25 (f) The municipality, county, or joint airport zoning board must not adopt regulations
21.26 or take other action until the proposed regulations are approved by the commissioner.

21.27 (g) The commissioner may approve local zoning ordinances that are more stringent than
21.28 the commissioner's standards.

21.29 (h) If the commissioner approves the proposed regulations, the municipality, county, or
21.30 joint airport zoning board may adopt the regulations.

21.31 (i) A copy of the adopted regulations must be filed with the county recorder in each
21.32 county that contains a zoned area subject to the regulations.

(j) Substantive rights that existed and had been exercised prior to August 1, 2019, are not affected by the filing of the regulations.

Subd. 2. **Protection of existing land uses.** (a) In order to ensure minimum disruption of existing land uses, the commissioner's airport zoning standards and local airport zoning ordinances or regulations adopted under this section must distinguish between the creation or establishment of a use and the elimination of an existing use, and must avoid the elimination, removal, or reclassification of existing uses to the extent consistent with reasonable safety standards. The commissioner's standards must include criteria for determining when an existing land use may constitute an airport hazard so severe that public safety considerations outweigh the public interest in preventing disruption to that land use.

(b) Airport zoning regulations that classify as a nonconforming use or require nonconforming use classification with respect to any existing low-density structure or existing isolated low-density building lots must be adopted under sections 360.061 to 360.074.

(c) A local airport zoning authority may classify a land use described in paragraph (b) as an airport hazard if the authority finds that the classification is justified by public safety considerations and is consistent with the commissioner's airport zoning standards. Any land use described in paragraph (b) that is classified as an airport hazard must be acquired, altered, or removed at public expense.

(d) This subdivision must not be construed to affect the classification of any land use under any zoning ordinances or regulations not adopted under sections 360.061 to 360.074.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 34. [360.0656] CUSTOM AIRPORT ZONING STANDARDS.

Subdivision 1. **Custom airport zoning standards; factors.** (a) Notwithstanding section 360.0655, a municipality, county, or joint airport zoning board must provide notice to the commissioner when the municipality, county, or joint airport zoning board intends to establish and adopt custom airport zoning regulations under this section.

23.1 (b) Airport zoning regulations submitted to the commissioner under this subdivision are
23.2 not subject to the commissioner's zoning regulations under section 360.0655 or Minnesota
23.3 Rules, part 8800.2400.

23.4 (c) When developing and adopting custom airport zoning regulations under this section,
23.5 the municipality, county, or joint airport zoning board must include in the record a detailed
23.6 analysis that explains how the proposed custom airport zoning regulations addressed the
23.7 following factors to ensure a reasonable level of safety:

23.8 (1) the location of the airport, the surrounding land uses, and the character of
23.9 neighborhoods in the vicinity of the airport, including:

23.10 (i) the location of vulnerable populations, including schools, hospitals, and nursing
23.11 homes, in the airport hazard area;

23.12 (ii) the location of land uses that attract large assemblies of people in the airport hazard
23.13 area;

23.14 (iii) the availability of contiguous open spaces in the airport hazard area;

23.15 (iv) the location of wildlife attractants in the airport hazard area;

23.16 (v) airport ownership or control of the federal Runway Protection Zone and the
23.17 department's Clear Zone;

23.18 (vi) land uses that create or cause interference with the operation of radio or electronic
23.19 facilities used by the airport or aircraft;

23.20 (vii) land uses that make it difficult for pilots to distinguish between airport lights and
23.21 other lights, result in glare in the eyes of pilots using the airport, or impair visibility in the
23.22 vicinity of the airport;

23.23 (viii) land uses that otherwise inhibit a pilot's ability to land, take off, or maneuver the
23.24 aircraft;

23.25 (ix) airspace protection to prevent the creation of air navigation hazards in the airport
23.26 hazard area; and

23.27 (x) the social and economic costs of restricting land uses;

23.28 (2) the airport's type of operations and how the operations affect safety surrounding the
23.29 airport;

23.30 (3) the accident rate at the airport compared to a statistically significant sample, including
23.31 an analysis of accident distribution based on the rate with a higher accident incidence;

(4) the planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan, or transportation plan; and

(5) any other information relevant to safety or the airport.

Subd. 2. Submission to commissioner; review. (a) Except as provided in section 360.0655, prior to adopting zoning regulations, the municipality, county, or joint airport zoning board must submit its proposed regulations and the supporting record to the commissioner for review. The commissioner must determine whether the proposed custom airport zoning regulations and supporting record (1) evaluate the criteria under subdivision 1, and (2) provide a reasonable level of safety.

(b) Notwithstanding section 15.99, the commissioner must examine the proposed regulations within 90 days of receipt of the regulations and report to the municipality, county, or joint airport zoning board the commissioner's approval or objections, if any. Failure to respond within 90 days is deemed an approval. The commissioner may request additional information from the municipality, county, or joint airport zoning board within the 90-day review period.

(c) If the commissioner objects on the grounds that the regulations do not provide a reasonable level of safety, the municipality, county, or joint airport zoning board must review, consider, and provide a detailed explanation demonstrating how it evaluated the objections and what action it took or did not take in response to the objections. If the municipality, county, or joint airport zoning board submits amended regulations after its initial public hearing, the municipality, county, or joint airport zoning board must conduct a second public hearing on the revisions and resubmit the revised proposed regulations to the commissioner for review. The commissioner must examine the revised proposed regulations within 90 days of receipt of the regulations. If the commissioner requests additional information, the 90-day review period is tolled until satisfactory information is received by the commissioner. Failure to respond within 90 days is deemed an approval.

(d) If, after the second review period, the commissioner determines that the municipality, county, or joint airport zoning board failed to submit proposed regulations that provide a reasonable safety level, the commissioner must provide a final written decision to the municipality, county, or joint airport zoning board.

(e) A municipality, county, or joint airport zoning board is prohibited from adopting custom regulations or taking other action until the proposed regulations are approved by the commissioner.

(f) If the commissioner approves the proposed regulations, the municipality, county, or joint airport zoning board may adopt the regulations.

(g) A copy of the adopted regulations must be filed with the county recorder in each county that contains a zoned area subject to the regulations.

(h) Substantive rights that existed and had been exercised prior to August 1, 2019, are not affected by the filing of the regulations.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 35. Minnesota Statutes 2018, section 360.066, subdivision 1, is amended to read:

Subdivision 1. **Reasonableness.** ~~Standards of the commissioner~~ Zoning standards defining airport hazard areas and the categories of uses permitted and airport zoning regulations adopted under sections 360.011 to 360.076, ~~shall~~ must be reasonable; and none shall impose a requirement or restriction ~~which~~ that is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076. ~~In determining what minimum airport zoning regulations may be adopted, the commissioner and a local airport zoning authority shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, the uses to which the property to be zoned are planned and adaptable, and the social and economic costs of restricting land uses versus the benefits derived from a strict application of the standards of the commissioner.~~

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 36. Minnesota Statutes 2018, section 360.067, is amended by adding a subdivision to read:

Subd. 5. Federal no hazard determination. (a) Notwithstanding subdivisions 1 and 2, a municipality, county, or joint airport zoning board may include in its custom airport zoning regulations adopted under section 360.0656 an option to permit construction of a structure, an increase or alteration of the height of a structure, or the growth of an existing tree without a variance from height restrictions if the Federal Aviation Administration has analyzed the proposed construction, alteration, or growth under Code of Federal Regulations, title 14, part 77, and has determined the proposed construction, alteration, or growth does not:

(1) pose a hazard to air navigation;

(2) require changes to airport or aircraft operations; or

(3) require any mitigation conditions by the Federal Aviation Administration that cannot be satisfied by the landowner.

(b) A municipality, county, or joint airport zoning board that permits an exception to height restrictions under this subdivision must require the applicant to file the Federal Aviation Administration's no hazard determination with the applicable zoning administrator. The applicant must obtain written approval of the zoning administrator before construction, alteration, or growth may occur. Failure of the administrator to respond within 60 days to a filing under this subdivision is deemed a denial. The Federal Aviation Administration's no hazard determination does not apply to requests for variation from land use, density, or any other requirement unrelated to the height of structures or the growth of trees.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 37. Minnesota Statutes 2018, section 360.071, subdivision 2, is amended to read:

Subd. 2. Membership. (a) Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of three years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing. The length of initial appointments may be staggered.

(b) In the case of a Metropolitan Airports Commission, five members shall be appointed by the commission chair from the area in and for which the commission was created, any of whom may be members of the commission. In the case of an airport owned or operated by the state of Minnesota, the board of commissioners of the county, or counties, in which the airport hazard area is located shall constitute the airport board of adjustment and shall exercise the powers and duties of such board as provided herein.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 38. Minnesota Statutes 2018, section 360.305, subdivision 6, is amended to read:

Subd. 6. **Zoning required.** The commissioner ~~shall~~ must not expend money for planning or land acquisition, ~~or~~ for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the ~~governmental unit~~ municipality, county, or joint airport zoning board involved has or is establishing a zoning authority for that airport, and the authority has made a good-faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner may provide funds to support airport safety projects that maintain existing infrastructure, regardless of a zoning authority's efforts to complete a zoning regulation. The commissioner ~~shall~~ must make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 39. Minnesota Statutes 2018, section 394.22, is amended by adding a subdivision to read:

Subd. 1a. Airport safety zone. "Airport safety zone" means an area subject to land use zoning controls adopted under sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019.

Sec. 40. Minnesota Statutes 2018, section 394.23, is amended to read:

394.23 COMPREHENSIVE PLAN.

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37. The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each county for use in the comprehensive plan. When adopting or updating the comprehensive plan, the board must, if the data is available to the county, consider natural heritage data resulting from the county biological survey. In a county that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, the board must consider adopting goals and objectives that will protect open space and the environment. The board must consider the location and dimensions of airport safety zones in any portion of the county, and of any airport improvements, identified in the airport's most recent approved airport layout plan.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 41. Minnesota Statutes 2018, section 394.231, is amended to read:

394.231 COMPREHENSIVE PLANS IN GREATER MINNESOTA; OPEN SPACE.

A county adopting or updating a comprehensive plan in a county outside the metropolitan area as defined by section 473.121, subdivision 2, and that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and open space land, and

minimizing development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the county shall consider adopting ordinances as part of the county's official controls that encourage the implementation of the goals and objectives. The county shall consider the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) encouraging land uses in airport safety zones that are compatible with the safe operation of the airport and the safety of people in the vicinity of the airport;

~~(4)~~ (5) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

~~(5)~~ (6) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

~~(6)~~ (7) identification of areas where other developments are appropriate; and

~~(7)~~ (8) other goals and objectives a county may identify.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 42. Minnesota Statutes 2018, section 394.25, subdivision 3, is amended to read:

Subd. 3. **In district zoning, maps.** Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, width, bulk, type of foundation, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; protective measures necessary to protect the public interest

including but not limited to controls relating to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts. No provision may prohibit earth sheltered construction as defined in section 216C.06, subdivision 14, or manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances promulgated pursuant to this section. Airport safety zones must be included on maps that illustrate boundaries of zoning districts and that are adopted as official controls.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to maps created or updated under this section on or after that date.

Sec. 43. Minnesota Statutes 2018, section 462.352, is amended by adding a subdivision to read:

Subd. 1a. **Airport safety zone.** "Airport safety zone" has the meaning given in section 394.22, subdivision 1a.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019.

Sec. 44. Minnesota Statutes 2018, section 462.355, subdivision 1, is amended to read:

Subdivision 1. **Preparation and review.** The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with and to assist in the development of the comprehensive municipal plan. In its planning activities the planning agency shall take due cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary. When preparing or recommending amendments to the comprehensive plan, the planning agency of a municipality located within a county that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, must consider adopting goals and objectives that will protect open space and the environment. When preparing or recommending amendments to the comprehensive plan, the planning agency must consider (1) the location and dimensions of airport safety zones in any portion of the municipality,

31.1 and (2) any airport improvements identified in the airport's most recent approved airport
31.2 layout plan.

31.3 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
31.4 applies to airport sponsors that make or plan to make changes to runway lengths or
31.5 configurations on or after that date. Airport safety zoning ordinances that were approved
31.6 by the commissioner and effective before August 1, 2019, remain valid until or unless the
31.7 airport sponsor (1) makes or plans to make changes to runway lengths or configurations,
31.8 or (2) is required to update airport safety zoning ordinances.

31.9 Sec. 45. Minnesota Statutes 2018, section 462.357, is amended by adding a subdivision
31.10 to read:

31.11 Subd. 1i. **Airport safety zones on zoning maps.** Airport safety zones must be included
31.12 on maps that illustrate boundaries of zoning districts and that are adopted as official controls.

31.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to maps
31.14 created or updated under this section on or after that date.

31.15 Sec. 46. Minnesota Statutes 2018, section 462.357, subdivision 9, is amended to read:

31.16 Subd. 9. **Development goals and objectives.** In adopting official controls after July 1,
31.17 2008, in a municipality outside the metropolitan area, as defined by section 473.121,
31.18 subdivision 2, the municipality shall consider restricting new residential, commercial, and
31.19 industrial development so that the new development takes place in areas subject to the
31.20 following goals and objectives:

31.21 (1) minimizing the fragmentation and development of agricultural, forest, wildlife, and
31.22 open space lands, including consideration of appropriate minimum lot sizes;

31.23 (2) minimizing further development in sensitive shoreland areas;

31.24 (3) minimizing development near wildlife management areas, scientific and natural
31.25 areas, and nature centers;

31.26 (4) encouraging land uses in airport safety zones that are compatible with the safe
31.27 operation of the airport and the safety of people in the vicinity of the airport;

31.28 ~~(4)~~ (5) identification of areas of preference for higher density, including consideration
31.29 of existing and necessary water and wastewater services, infrastructure, other services, and
31.30 to the extent feasible, encouraging full development of areas previously zoned for
31.31 nonagricultural uses;

~~(5)~~ (6) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

~~(6)~~ (7) identification of areas where other developments are appropriate; and

~~(7)~~ (8) other goals and objectives a municipality may identify.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2019, and applies to airport sponsors that make or plan to make changes to runway lengths or configurations on or after that date. Airport safety zoning ordinances that were approved by the commissioner and effective before August 1, 2019, remain valid until or unless the airport sponsor (1) makes or plans to make changes to runway lengths or configurations, or (2) is required to update airport safety zoning ordinances.

Sec. 47. Minnesota Statutes 2018, section 574.26, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions: certain manufacturers; commissioner of transportation; road maintenance.** (a) Sections 574.26 to 574.32 do not apply to a manufacturer of public transit buses that manufactures at least 100 public transit buses in a calendar year. For purposes of this section, "public transit bus" means a motor vehicle designed to transport people, with a design capacity for carrying more than 40 passengers, including the driver. The term "public transit bus" does not include a school bus, as defined in section 169.011, subdivision 71.

(b) At the discretion of the commissioner of transportation, sections 574.26 to 574.32 do not apply to any projects of the Department of Transportation (1) costing less than the amount in section 471.345, subdivision 3, ~~or~~ (2) involving the permanent or semipermanent installation of heavy machinery, fixtures, or other capital equipment to be used primarily for maintenance or repair, or (3) awarded under section 161.32, subdivision 2.

(c) Sections 574.26 to 574.32 do not apply to contracts for snow removal, ice removal, grading, or other similar routine road maintenance on town roads.

Sec. 48. Laws 2014, chapter 312, article 11, section 38, subdivision 5, is amended to read:

Subd. 5. **Pilot program evaluation.** In coordination with the city, the commissioner of transportation shall evaluate effectiveness of the pilot program under this section, which must include analysis of traffic safety impacts, utility to motorists and tourists, costs and expenditures, extent of community support, and pilot program termination or continuation. By January 15, ~~2021~~ 2025, the commissioner shall submit a report on the evaluation to the

33.1 ~~chairs and ranking minority members and staff~~ of the legislative committees with jurisdiction
33.2 over transportation policy and finance.

33.3 Sec. 49. Laws 2014, chapter 312, article 11, section 38, subdivision 6, is amended to read:

33.4 Subd. 6. **Expiration.** The pilot program under this section expires January 1, ~~2022~~ 2026.

33.5 Sec. 50. **LEGISLATIVE ROUTE NO. 222 REMOVED.**

33.6 (a) Minnesota Statutes, section 161.115, subdivision 153, is repealed effective the day
33.7 after the commissioner of transportation receives a copy of the agreement between the
33.8 commissioner and the governing body of Red Lake County to transfer jurisdiction of
33.9 Legislative Route No. 222 and after the commissioner notifies the revisor of statutes under
33.10 paragraph (b).

33.11 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
33.12 Statutes when the commissioner of transportation sends notice to the revisor electronically
33.13 or in writing that the conditions required to transfer the route have been satisfied.

33.14 Sec. 51. **LEGISLATIVE ROUTE NO. 253 REMOVED.**

33.15 (a) Minnesota Statutes, section 161.115, subdivision 184, is repealed effective the day
33.16 after the commissioner of transportation receives a copy of the agreement between the
33.17 commissioner and the governing body of Faribault County to transfer jurisdiction of
33.18 Legislative Route No. 253 and after the commissioner notifies the revisor of statutes under
33.19 paragraph (b).

33.20 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
33.21 Statutes when the commissioner of transportation sends notice to the revisor electronically
33.22 or in writing that the conditions required to transfer the route have been satisfied.

33.23 Sec. 52. **LEGISLATIVE ROUTE NO. 254 REMOVED.**

33.24 (a) Minnesota Statutes, section 161.115, subdivision 185, is repealed effective the day
33.25 after the commissioner of transportation receives a copy of the agreement between the
33.26 commissioner and the governing body of Faribault County to transfer jurisdiction of
33.27 Legislative Route No. 254 and after the commissioner notifies the revisor of statutes under
33.28 paragraph (b).

34.1 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
34.2 Statutes when the commissioner of transportation sends notice to the revisor electronically
34.3 or in writing that the conditions required to transfer the route have been satisfied.

34.4 Sec. 53. **LEGISLATIVE ROUTE NO. 277 REMOVED.**

34.5 (a) Minnesota Statutes, section 161.115, subdivision 208, is repealed effective June 1,
34.6 2019, or the day after the commissioner of transportation receives a copy of the agreement
34.7 between the commissioner and the governing body of Chippewa County to transfer
34.8 jurisdiction of Legislative Route No. 277 and after the commissioner notifies the revisor of
34.9 statutes under paragraph (b), whichever is later.

34.10 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
34.11 Statutes when the commissioner of transportation sends notice to the revisor electronically
34.12 or in writing that the conditions required to transfer the route have been satisfied.

34.13 Sec. 54. **LEGISLATIVE ROUTE NO. 298 REMOVED.**

34.14 (a) Minnesota Statutes, section 161.115, subdivision 229, is repealed effective the day
34.15 after the commissioner of transportation receives a copy of the agreement between the
34.16 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
34.17 Legislative Route No. 298 and after the commissioner notifies the revisor of statutes under
34.18 paragraph (b).

34.19 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
34.20 Statutes when the commissioner of transportation sends notice to the revisor electronically
34.21 or in writing that the conditions required to transfer the route have been satisfied.

34.22 Sec. 55. **LEGISLATIVE ROUTE NO. 299 REMOVED.**

34.23 (a) Minnesota Statutes, section 161.115, subdivision 230, is repealed effective the day
34.24 after the commissioner of transportation receives a copy of the agreement between the
34.25 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
34.26 Legislative Route No. 299 and after the commissioner notifies the revisor of statutes under
34.27 paragraph (b).

34.28 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
34.29 Statutes when the commissioner of transportation sends notice to the revisor electronically
34.30 or in writing that the conditions required to transfer the route have been satisfied.

35.1 Sec. 56. **LEGISLATIVE ROUTE NO. 323 REMOVED.**

35.2 (a) Minnesota Statutes, section 161.115, subdivision 254, is repealed effective the day
35.3 after the commissioner of transportation receives a copy of the agreement between the
35.4 commissioner and the governing body of the city of Faribault to transfer jurisdiction of
35.5 Legislative Route No. 323 and after the commissioner notifies the revisor of statutes under
35.6 paragraph (b).

35.7 (b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota
35.8 Statutes when the commissioner of transportation sends notice to the revisor electronically
35.9 or in writing that the conditions required to transfer the route have been satisfied.

35.10 Sec. 57. **COMMERCIAL DRIVER'S LICENSE FEDERAL REGULATION WAIVER**
35.11 **REQUEST.**

35.12 For the sole purpose of authorizing a person to drive a bus with no passengers to deliver
35.13 the bus to the purchaser, the commissioner of public safety must apply to the Federal Motor
35.14 Carrier Safety Administration for a waiver from Code of Federal Regulations, title 49,
35.15 section 383.93, and any other federal rule or regulation that requires a person to have a
35.16 passenger endorsement.

35.17 **EFFECTIVE DATE.** This section is effective June 1, 2019.

35.18 Sec. 58. **NORTHSTAR COMMUTER RAIL OPERATING COSTS; EXCEPTION.**

35.19 (a) Minnesota Statutes, section 398A.10, subdivision 2, does not apply for reserve funds
35.20 available to the Anoka County Regional Railroad Authority as of June 30, 2019, that are
35.21 used to pay operating and maintenance costs of Northstar Commuter Rail.

35.22 (b) This section expires on January 1, 2022.

35.23 Sec. 59. **REPEALER.**

35.24 Minnesota Statutes 2018, sections 360.063, subdivision 4; 360.065, subdivision 2; and
35.25 360.066, subdivisions 1a and 1b, are repealed.

35.26 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
35.27 applies to airport sponsors that make or plan to make changes to runway lengths or
35.28 configurations on or after that date. Airport safety zoning ordinances that were approved
35.29 by the commissioner and effective before August 1, 2019, remain valid until or unless the
35.30 airport sponsor (1) makes or plans to make changes to runway lengths or configurations,
35.31 or (2) is required to update airport safety zoning ordinances.

360.063 AIRPORT ZONING; AUTHORITY, PROCEDURE.

Subd. 4. **Airport approach.** The commissioner may recommend an airport approach plan for each publicly owned airport in the state and for each privately owned airport of the publicly owned class and from time to time recommend revisions of the plan. A plan shall indicate the circumstances in which structures or trees are or would be airport hazards, the airport hazard area, and what measures should be taken to eliminate airport hazards. The commissioner shall prescribe airport approach and turning standards for airports of various classes, and airport zoning regulations adopted by a municipality, county, or joint airport zoning board shall conform to the standards, except as provided in sections 360.065 and 360.066.

360.065 AIRPORT ZONING; ADOPTION AND APPROVAL OF PROPOSED REGULATIONS.

Subd. 2. **Regulations submitted to commissioner.** Prior to adopting zoning regulations for an airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations to the commissioner in order that the commissioner may determine whether it conforms to the standards prescribed by the commissioner. The commissioner shall immediately examine the proposed regulations and report to the municipality, county, or joint airport zoning board the commissioner's approval, or objections, if any. If objections are made by the commissioner on the ground that the regulations do not conform to the standards prescribed by the commissioner for the class of airport involved, the municipality, county, or joint zoning board shall make amendments as are necessary to meet the objections unless it demonstrates that the social and economic costs of restricting land uses in accordance with the standards outweigh the benefits of a strict application of the standards. The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner. The commissioner may approve local zoning ordinances that are more stringent than the standards. A copy of the regulations as adopted shall be filed with the county recorder in each county in which the zoned area is located.

Substantive rights existing prior to the passage of this subdivision and previously exercised are not affected by the filing of the regulations.

360.066 AIRPORT ZONING; MINIMUM STANDARDS, LAND USES.

Subd. 1a. **Protection of existing neighborhood.** (a) In order to ensure the minimum disruption of existing land uses, particularly established residential neighborhoods in built-up urban areas, the airport zoning standards of the commissioner and the local airport zoning ordinances or regulations adopted under sections 360.061 to 360.074 shall distinguish between the creation or establishment of a use and the elimination of an existing use, and shall avoid the elimination, removal, or reclassification of existing uses to the extent consistent with reasonable standards of safety. The standards of the commissioner shall include criteria for determining when an existing land use may constitute an airport hazard so severe that considerations of public safety outweigh the public interest in preventing disruption to that land use.

(b) No airport zoning standards or local airport zoning ordinances or regulations shall be adopted pursuant to sections 360.061 to 360.074 that classify as a nonconforming use or require such classification with respect to any low-density residential structure or isolated low-density residential building lots existing on January 1, 1978, in an established residential neighborhood.

(c) A local airport zoning authority may classify a land use described in paragraph (b) as an airport hazard if that authority finds that this classification is justified by considerations of public safety and is consistent with the airport zoning standards of the commissioner. Any land use described in paragraph (b) which is classified as an airport hazard shall be acquired, altered, or removed at public expense.

(d) The provisions of this subdivision shall not be construed to affect the classification of any land use under any zoning ordinances or regulations not adopted pursuant to sections 360.061 to 360.074.

Subd. 1b. **Amendment of standards.** Within nine months after March 29, 1978, the commissioner shall amend the standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of Laws 1978, chapter 654. Until the commissioner adopts amended standards as required by this subdivision the unamended standards, insofar as they require classification of any residential property as a nonconforming use contrary to the provisions of subdivision 1a, paragraph (b), shall be without force or effect.