

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1698

(SENATE AUTHORS: DEKRUIF, Parry, Reinert and Wiger)

| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|---|
| 02/02/2012 | 3709 | Introduction and first reading Referred to Transportation |
| 02/23/2012 | 3872a | Comm report: To pass as amended and re-refer to State Government Innovation and Veterans |
| 03/01/2012 | 4080 | Author added Reinert |
| 03/05/2012 | 4096 | Comm report: To pass and re-referred to Finance |
| | 4114 | Author added Wiger |
| 04/03/2012 | 5624a | Comm report: To pass as amended |
| | 5629 | Second reading |
| 04/19/2012 | 5950 | HF substituted on General Orders HF518 See SF2321, Sec. 3-4, 9-12, 15, 43-44, 47, 77 See HF2337, Art. 3, Sec. 12 (vetoed) |

A bill for an act

relating to transportation; governing rulemaking and permits; amending rulemaking authority for state aid program; amending allocation of funds from certain over-dimension motor vehicle permits; requiring a legislative report on water permitting process for transportation projects; making clarifying and technical changes; amending Minnesota Statutes 2010, sections 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 162.155; 169.86, by adding a subdivision; 169.865, subdivision 4; Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5.

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

Section 1. Minnesota Statutes 2010, section 162.02, subdivision 2, is amended to read:

Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. In the event that agreement cannot be reached on any rule, the commissioner's determination shall be final. The rules shall be printed and copies forwarded to the county engineers of the several counties. ~~For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.~~

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 2. Minnesota Statutes 2010, section 162.02, subdivision 3, is amended to read:

Subd. 3. **Rules have force of law.** The rules ~~shall~~ have the force and effect of law ~~upon compliance with the provisions of sections 14.05 to 14.28 as provided in chapter 14.~~

Sec. 3. Minnesota Statutes 2010, section 162.09, subdivision 2, is amended to read:

Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee selected by the governing bodies of such cities, acting through the officers of the statewide association of municipal officials. The committee shall be composed of 12 members, so selected that there shall be one member from each state highway construction district and in addition one member from each city of the first class. Not more than six members of the committee shall be elected officials of the cities. The remaining members of the committee shall be city engineers. In the event that agreement cannot be reached on any rule the commissioner's determination shall be final. The rules shall be printed and copies forwarded to the clerks and engineers of the cities. ~~For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.~~

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 4. Minnesota Statutes 2010, section 162.09, subdivision 3, is amended to read:

Subd. 3. **Rules have force of law.** The rules ~~shall~~ have the force and effect of law ~~upon compliance with the provisions of sections 14.05 to 14.28 as provided in chapter 14.~~

Sec. 5. Minnesota Statutes 2010, section 162.155, is amended to read:

162.155 RULES FOR VARIANCES RULEMAKING.

(a) ~~The commissioner shall adopt rules, no later than January 1, 1980, in accordance with sections 15.041 to 15.052,~~ setting forth the criteria to be considered by the commissioner in evaluating requests for variances under sections 162.02, subdivision 3a and 162.09, subdivision 3a. The rules ~~shall~~ must include, but are not limited to, economic, engineering and safety guidelines.

(b) The commissioner shall adopt rules establishing the engineering standards adopted pursuant to for cost estimation under section sections 162.07, subdivision 2, or and 162.13, subdivision 2, ~~shall be adopted pursuant to the requirements of chapter 15 by July 1, 1980.~~

(c) The rules adopted by the commissioner under this section, and sections 162.02; 162.07, subdivision 2; 162.09; and 162.13, subdivision 2, are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that, notwithstanding paragraph (b) of that section, the rules continue in effect until repealed or superseded by other law or rule.

Sec. 6. Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. Unless otherwise specified, all such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

(6) noncommercial transportation of a boat by the owner or user of the boat;

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and

(8) special milk-hauling vehicles authorized under section 169.867.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry;

(5) double-deck buses;

(6) commercial boat hauling and transporting waterfront structures, including, but not limited to, portable boat docks and boat lifts;

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

| Overweight Axle Group Cost Factors | | | |
|---------------------------------------|--|--|--|
| Weight (pounds) | Cost Per Mile For Each Group Of: | | |
| exceeding weight limitations on axles | Two consecutive axles spaced within 8 feet or less | Three consecutive axles spaced within 9 feet or less | Four consecutive axles spaced within 14 feet or less |
| 0-2,000 | .12 | .05 | .04 |
| 2,001-4,000 | .14 | .06 | .05 |
| 4,001-6,000 | .18 | .07 | .06 |
| 6,001-8,000 | .21 | .09 | .07 |
| 8,001-10,000 | .26 | .10 | .08 |
| 10,001-12,000 | .30 | .12 | .09 |
| 12,001-14,000 | Not permitted | .14 | .11 |
| 14,001-16,000 | Not permitted | .17 | .12 |
| 16,001-18,000 | Not permitted | .19 | .15 |
| 18,001-20,000 | Not permitted | Not permitted | .16 |
| 20,001-22,000 | Not permitted | Not permitted | .20 |

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. The fees for the permit are as follows:

| Gross Weight (pounds) of Vehicle | Annual Permit Fee |
|----------------------------------|-------------------|
| 90,000 or less | \$200 |
| 90,001 - 100,000 | \$300 |
| 100,001 - 110,000 | \$400 |
| 110,001 - 120,000 | \$500 |
| 120,001 - 130,000 | \$600 |
| 130,001 - 140,000 | \$700 |
| 140,001 - 145,000 | \$800 |

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

~~(1) in fiscal years 2005 through 2010:~~
~~(1)~~ (1) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges; and

~~(ii) (2) all remaining money in each fiscal year must be deposited in a the bridge inspection and signing account as provided under subdivision 5a. in the special revenue fund. Money in the account is appropriated to the commissioner for:~~

~~(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and~~

~~(B) erection of weight-posting signs on local bridges; and~~

~~(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.~~

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 7. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision to read:

Subd. 5a. **Bridge inspection and signing account; appropriation.** (a) A bridge inspection and signing account is established in the special revenue fund. The account consists of fees for special permits as specified under this chapter, and any other money donated, allotted, transferred, or otherwise provided to the account.

(b) The revenue in the bridge inspection and signing account under this subdivision is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight-posting signs on local bridges.

Sec. 8. Minnesota Statutes 2010, section 169.865, subdivision 4, is amended to read:

~~Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued by the commissioner under this section must be deposited:~~

~~(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account as provided under section 169.86, subdivision 5a. in the special revenue fund; and~~

~~(2) in fiscal year 2012 and subsequent years, in the trunk highway fund.~~

~~(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:~~

~~(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and~~

~~(2) erection of weight-posting signs on local bridges.~~

7.1 Sec. 9. **WATER PERMITTING PROCESSES FOR TRANSPORTATION**
7.2 **PROJECTS; REPORT.**

7.3 By January 15, 2013, the commissioners of transportation, natural resources, and the
7.4 Pollution Control Agency, in consultation with local road authorities and the Board of
7.5 Water and Soil Resources, shall submit recommendations to the house of representatives
7.6 and senate committees and divisions with primary jurisdiction over environment and
7.7 natural resources policy and finance and transportation policy and finance on how water
7.8 related permitting for transportation projects can best be streamlined through creation of a
7.9 single point of issuance system. The recommendations shall specifically:

7.10 (1) outline a single point of issuance system in which road authorities applying
7.11 for state water permits would interact with a single state agency serving as the sole
7.12 intermediary on behalf of all state agencies with an interest in a road authority's water
7.13 permit application;

7.14 (2) provide a goal for the maximum number of days that the state believes are
7.15 necessary to issue final water permitting decisions;

7.16 (3) identify how state entities with current oversight authority over water permitting
7.17 decisions would allocate resources to accommodate a single point of issuance system; and

7.18 (4) suggest strategies to enhance the coordination of federal and state water
7.19 permitting information gathering and decision-making.

7.20 Sec. 10. **EFFECTIVE DATE.**

7.21 This act is effective July 1, 2012.