

SENATE

STATE OF MINNESOTA

NINETY-THIRD SESSION

S.F. No. 2321

(SENATE AUTHORS: CARLSON, Dibble and Morrison)		
DATE	D-PG	OFFICIAL STATUS
03/01/2023	1198	Introduction and first reading Referred to Transportation
03/23/2023	2256a	Comm report: To pass as amended and re-refer to State and Local Government and Veterans See HF2887

1.1

A bill for an act

1.2

relating to transportation; modifying various traffic safety provisions; establishing

1.3

an advisory council on traffic safety; requiring legislative reports; appropriating

1.4

money; amending Minnesota Statutes 2022, sections 169.14, by adding a

1.5

subdivision; 169.475, subdivisions 2, 3; 299A.01, by adding a subdivision;

1.6

proposing coding for new law in Minnesota Statutes, chapters 4; 169.

1.7

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

1.8

ARTICLE 1

1.9

TRAFFIC SAFETY POLICY

1.10

Section 1. [4.076] ADVISORY COUNCIL ON TRAFFIC SAFETY.

1.11

Subdivision 1. Definition. For purposes of this section, "advisory council" means the

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Advisory Council on Traffic Safety established in this section.

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Subd. 2. Establishment. (a) The Advisory Council on Traffic Safety is established to

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advise, consult with, assist in planning coordination, and make program recommendations

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to the commissioners of public safety, transportation, and health on the development and

1.16

implementation of projects and programs intended to improve traffic safety on all Minnesota

1.17

road systems.

1.18

(b) The advisory council serves as the lead for the state Toward Zero Deaths program.

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Subd. 3. Membership; chair. (a) The advisory council consists of the following

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members:

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(1) the chair, which is filled on a two-year rotating basis by a designee from:

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(i) the Office of Traffic Safety in the Department of Public Safety;

- 2.1 (ii) the Office of Traffic Engineering in the Department of Transportation; and
- 2.2 (iii) the Injury and Violence Prevention Section in the Department of Health;
- 2.3 (2) two vice chairs, which must be filled by the two designees who are not currently
- 2.4 serving as chair of the advisory council under clause (1);
- 2.5 (3) the statewide Toward Zero Deaths coordinator;
- 2.6 (4) a regional coordinator from the Toward Zero Deaths program;
- 2.7 (5) the chief of the State Patrol or a designee;
- 2.8 (6) the state traffic safety engineer in the Department of Transportation or a designee;
- 2.9 (7) a law enforcement liaison from the Department of Public Safety;
- 2.10 (8) a representative from the Department of Human Services;
- 2.11 (9) a representative from the Department of Education;
- 2.12 (10) a representative from the Council on Disability;
- 2.13 (11) a representative for Tribal governments;
- 2.14 (12) a representative from the Center for Transportation Studies at the University of
- 2.15 Minnesota;
- 2.16 (13) a representative from the Minnesota Chiefs of Police Association;
- 2.17 (14) a representative from the Minnesota Sheriffs' Association;
- 2.18 (15) a representative from the Minnesota Safety Council;
- 2.19 (16) a representative from AAA Minnesota;
- 2.20 (17) a representative from the Minnesota Trucking Association;
- 2.21 (18) a representative from the Insurance Federation of Minnesota;
- 2.22 (19) a representative from the Association of Minnesota Counties;
- 2.23 (20) a representative from the League of Minnesota Cities;
- 2.24 (21) the American Bar Association State Judicial Outreach Liaison;
- 2.25 (22) a representative from the City Engineers Association of Minnesota;
- 2.26 (23) a representative from the Minnesota County Engineers Association;
- 2.27 (24) a representative from the Bicycle Alliance of Minnesota;

(25) two individuals representing vulnerable road users, including pedestrians, bicyclists, and other operators of a personal conveyance;

(26) a representative from Minnesota Operation Lifesaver;

(27) a representative from the Minnesota Driver and Traffic Safety Education Association;

(28) a representative from the Minnesota Association for Pupil Transportation;

(29) a representative from the State Trauma Advisory Council;

(30) a person representing metropolitan planning organizations; and

(31) a person representing contractors engaged in construction and maintenance of highways and other infrastructure.

(b) The commissioners of public safety and transportation must jointly appoint the advisory council members under paragraph (a), clauses (11), (25), (30), and (31).

Subd. 4. **Duties.** The advisory council must:

(1) advise the governor and heads of state departments and agencies on policies, programs, and services affecting traffic safety;

(2) advise the appropriate representatives of state departments on the activities of the Toward Zero Deaths program, including but not limited to educating the public about traffic safety;

(3) encourage state departments and other agencies to conduct needed research in the field of traffic safety;

(4) review recommendations of the subcommittees and working groups;

(5) review and comment on all grants dealing with traffic safety and on the development and implementation of state and local traffic safety plans; and

(6) make recommendations on safe road zone safety measures under section 169.065.

Subd. 5. **Administration.** (a) The Office of Traffic Safety in the Department of Public Safety, in cooperation with the Departments of Transportation and Health, must serve as the host agency for the advisory council and must manage the administrative and operational aspects of the advisory council's activities. The commissioner of public safety must perform financial management on behalf of the council.

(b) The advisory council must meet no less than four times per year, or more frequently as determined by the chair, a vice chair, or a majority of the council members. The advisory council is subject to chapter 13D.

4.1 (c) The chair must regularly report to the respective commissioners on the activities of  
4.2 the advisory council and on the state of traffic safety in Minnesota.

4.3 (d) The terms, compensation, and appointment of members are governed by section  
4.4 15.059.

4.5 (e) The advisory council may appoint subcommittees and working groups. Subcommittees  
4.6 must consist of council members. Working groups may include nonmembers. Nonmembers  
4.7 on working groups must be compensated pursuant to section 15.059, subdivision 3, only  
4.8 for expenses incurred for working group activities.

4.9 Sec. 2. **[169.065] SAFE ROAD ZONES.**

4.10 Subdivision 1. **Definition.** For purposes of this section, "local request" means a formal  
4.11 request collectively submitted by the chief law enforcement officer of a political subdivision  
4.12 serving the proposed safe road zone, the local road authority for the proposed safe road  
4.13 zone, and the chief executive officer, board, or designee by resolution of the political  
4.14 subdivision encompassing the proposed safe road zone.

4.15 Subd. 2. **Establishment.** (a) The commissioner may designate a safe road zone as  
4.16 provided in this section.

4.17 (b) Upon receipt of a local request, the commissioner, in consultation with the  
4.18 commissioner of public safety, must consider designating a segment of a street or highway  
4.19 as a safe road zone. In determining the designation of a safe road zone, the commissioner  
4.20 must evaluate traffic safety concerns for the street or highway, including but not limited to:  
4.21 excessive speed; crash history; safety of pedestrians, bicyclists, or other vulnerable road  
4.22 users; intersection risks; and roadway design.

4.23 Subd. 3. **Implementation.** The Advisory Council on Traffic Safety must make  
4.24 recommendations to the commissioners of public safety and transportation on supporting  
4.25 the local authority with implementation of safety measures for each safe road zone through  
4.26 education, public awareness, behavior modification, and traffic engineering efforts. Safety  
4.27 measures for a safe road zone may include:

4.28 (1) providing safe road zone signs to the local authority for use in the zone;

4.29 (2) consulting with the local authority on roadway design modifications to improve  
4.30 safety;

4.31 (3) performing statewide safe road zone public awareness and educational outreach;

(4) providing safe road zone outreach materials to the local authority for distribution to the general public;

(5) working with the local authority to enhance safety conditions in the zone;

(6) establishing a speed limit as provided under section 169.14, subdivision 5i, with supporting speed enforcement and education measures; and

(7) evaluating the impacts of safety measures in the zone on: crashes; injuries and fatalities; property damage; transportation system disruptions; safety for vulnerable roadway users, including pedestrians and bicyclists; and other measures as identified by the commissioner.

Subd. 4. **Traffic enforcement.** The commissioner of public safety must coordinate with local law enforcement agencies to determine implementation of enhanced traffic enforcement in a safe road zone designated under this section.

Subd. 5. **Program information.** The commissioner of transportation must maintain information on a website that summarizes safe road zone implementation, including but not limited to identification of requests for and designations of safe road zones, an overview of safety measures and traffic enforcement activity, and a review of annual expenditures.

Sec. 3. Minnesota Statutes 2022, section 169.14, is amended by adding a subdivision to read:

Subd. 5i. **Speed limits in safe road zone.** (a) Upon request by the local authority, the commissioner may establish a temporary or permanent speed limit in a safe road zone designated under section 169.065, other than the limits provided in subdivision 2, based on an engineering and traffic investigation.

(b) The speed limit under this subdivision is effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established. Any speed in excess of the posted limit is unlawful.

Sec. 4. Minnesota Statutes 2022, section 169.475, subdivision 2, is amended to read:

Subd. 2. **Prohibition on use; penalty.** (a) Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person operating the vehicle upon a street or highway is prohibited from:

(1) holding a wireless communications device with one or both hands; or

(2) using a wireless communications device to:

6.1 ~~(1)~~ (i) initiate, compose, send, retrieve, or read an electronic message;

6.2 ~~(2)~~ (ii) engage in a cellular phone call, including initiating a call, talking or listening,  
6.3 and participating in video calling; and

6.4 ~~(3)~~ (iii) access the following types of content stored on the device: video content, audio  
6.5 content, images, games, or software applications.

6.6 (b) A person who violates paragraph (a) a second or subsequent time must pay a fine of  
6.7 \$275.

6.8 Sec. 5. Minnesota Statutes 2022, section 169.475, subdivision 3, is amended to read:

6.9 Subd. 3. **Exceptions.** (a) The prohibitions in subdivision 2 do not apply if a person uses  
6.10 a wireless communications device:

6.11 (1) solely in a voice-activated or hands-free mode to (i) initiate or participate in a cellular  
6.12 phone call, provided that the person does not hold the device with one or both hands; or ~~to~~  
6.13 (ii) initiate, compose, send, or listen to an electronic message;

6.14 (2) to view or operate a global positioning system or navigation system in a manner that  
6.15 does not require the driver to type while the vehicle is in motion or a part of traffic, provided  
6.16 that the person does not hold the device with one or both hands;

6.17 (3) to listen to audio-based content in a manner that does not require the driver to scroll  
6.18 or type while the vehicle is in motion or a part of traffic, provided that the person does not  
6.19 hold the device with one or both hands;

6.20 (4) to obtain emergency assistance to (i) report a traffic accident, medical emergency,  
6.21 or serious traffic hazard, or (ii) prevent a crime about to be committed;

6.22 (5) in the reasonable belief that a person's life or safety is in immediate danger; or

6.23 (6) in an authorized emergency vehicle while in the performance of official duties.

6.24 (b) The exception in paragraph (a), clause (1), does not apply to accessing nonnavigation  
6.25 video content, engaging in video calling, engaging in live-streaming, accessing gaming  
6.26 data, or reading electronic messages.

6.27 Sec. 6. Minnesota Statutes 2022, section 299A.01, is amended by adding a subdivision to  
6.28 read:

6.29 Subd. 8. **Traffic safety report.** Annually by January 2, the commissioner of public  
6.30 safety must submit a traffic safety report to the governor and the chairs and ranking minority

7.1 members of the legislative committees with jurisdiction over traffic safety and enforcement.  
7.2 In preparing the report, the commissioner must seek advice and comments from the Advisory  
7.3 Council on Traffic Safety under section 4.076. The report must analyze the safety of  
7.4 Minnesota's roads and transportation system, including but not limited to:

7.5 (1) injuries and fatalities that occur on or near a roadway or other transportation system  
7.6 facility;

7.7 (2) factors that caused crashes resulting in injuries and fatalities;

7.8 (3) roadway and system improvements broadly and at specific locations that could reduce  
7.9 injuries and fatalities;

7.10 (4) enforcement and education efforts that could reduce injuries and fatalities;

7.11 (5) other safety improvements or programs to improve the quality of the roadway and  
7.12 transportation use experience; and

7.13 (6) existing resources and resource gaps for roadway and transportation system safety  
7.14 improvements.

7.15 Sec. 7. **TRAFFIC SAFETY VIOLATIONS DISPOSITION ANALYSIS.**

7.16 (a) The commissioner of public safety must enter into an agreement with the Center for  
7.17 Transportation Studies at the University of Minnesota to conduct an evaluation of the  
7.18 disposition in recent years of citations for speeding, impairment, distraction, and seatbelt  
7.19 violations. The evaluation under the agreement must include but is not limited to analysis  
7.20 of:

7.21 (1) rates of citations issued compared to rates of citations contested in court and the  
7.22 outcomes of the cases;

7.23 (2) amounts of fines imposed compared to counts and amounts of fine payments; and

7.24 (3) any related changes in patterns of traffic enforcement from 2017 to 2022.

7.25 (b) The agreement must require the Center for Transportation Studies to submit an  
7.26 interim progress report by July 1, 2024, and a final report by July 1, 2025, to the  
7.27 commissioner and the chairs and ranking minority members of the legislative committees  
7.28 with jurisdiction over transportation policy and finance and public safety.

8.1       Sec. 8. **LEGISLATIVE REPORT; SPEED SAFETY CAMERAS.**

8.2       (a) By January 3, 2024, the commissioner of public safety must submit a report to the  
8.3 chairs and ranking minority members of the legislative committees with jurisdiction over  
8.4 transportation policy and finance that identifies a process and associated policies for issuance  
8.5 of a mailed citation to the owner or lessee of a motor vehicle that a speed safety camera  
8.6 system detects is operated in violation of a speed limit. The commissioner must convene a  
8.7 task force to assist in the development of the report. The task force must include the Advisory  
8.8 Council on Traffic Safety established by Minnesota Statutes, section 4.076, a representative  
8.9 from the Minnesota County Attorneys Association, a person with expertise in data privacy,  
8.10 and may include other members as the commissioner determines are necessary to develop  
8.11 the report.

8.12       (b) At a minimum, the report must include consideration and analysis of:

8.13       (1) methods to identify the owner, operator, and any lessee of the motor vehicle;

8.14       (2) compliance with federal enforcement requirements related to holders of a commercial  
8.15 driver's license;

8.16       (3) authority of individuals who are not peace officers to issue citations;

8.17       (4) data practices, including but not limited to concerns related to data privacy;

8.18       (5) due process, an appeals process, and the judicial system;

8.19       (6) technology options, constraints, and factors;

8.20       (7) other legal issues; and

8.21       (8) recommendations regarding implementation, including but not limited to any  
8.22 legislative proposal and information on implementation costs.

8.23                               **ARTICLE 2**

8.24                               **APPROPRIATIONS**

8.25       Section 1. **APPROPRIATION; ADVISORY COUNCIL ON TRAFFIC SAFETY.**

8.26       \$4,000,000 in fiscal year 2024 and \$4,000,000 in fiscal year 2025 are appropriated from  
8.27 the general fund to the commissioner of public safety for activities of the Advisory Council  
8.28 on Traffic Safety under Minnesota Statutes, section 4.076, including grants. Of this amount,  
8.29 the commissioner may expend no more than \$250,000 in each year on advisory council  
8.30 administrative costs.



9.1       Sec. 2. **APPROPRIATIONS; SAFE ROAD ZONES.**

9.2           (a) \$1,750,000 in fiscal year 2024 is appropriated from the general fund to the  
9.3 commissioner of transportation for safe road zones under Minnesota Statutes, section  
9.4 169.065. Of this amount, \$750,000 is for development and delivery of public awareness  
9.5 and education campaigns about safe road zones. This is a onetime appropriation.

9.6           (b) \$1,000,000 in fiscal year 2024 is appropriated from the general fund to the  
9.7 commissioner of public safety for grants to local units of government to perform additional  
9.8 traffic safety enforcement activities in safe road zones under Minnesota Statutes, section  
9.9 169.065. In allocating funds, the commissioner must account for other sources of funding  
9.10 for increased traffic enforcement. This is a onetime appropriation.

9.11       Sec. 3. **APPROPRIATION; ENHANCED TRAFFIC SAFETY ENFORCEMENT.**

9.12           (a) \$1,000,000 in fiscal year 2024 and \$1,000,000 in fiscal year 2025 are appropriated  
9.13 from the general fund to the commissioner of public safety for grants to local units of  
9.14 government to increase traffic safety enforcement activities. This appropriation is available  
9.15 for training, equipment, overtime, and related costs for peace officers to perform duties that  
9.16 are specifically related to traffic management and traffic safety.

9.17           (b) This appropriation is for the purposes of local match for formula and discretionary  
9.18 grant programs enacted in the federal Infrastructure Investment and Jobs Act (IIJA), Public  
9.19 Law 117-58.

9.20       Sec. 4. **APPROPRIATIONS; RURAL HIGH-RISK ROADWAYS.**

9.21           (a) \$2,000,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 are appropriated  
9.22 from the general fund to the commissioner of public safety for grants to law enforcement  
9.23 agencies to undertake targeted speed reduction efforts on rural high-risk roadways.

9.24           (b) \$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated  
9.25 from the general fund to the commissioner of transportation for roadway design and related  
9.26 improvements that reduce speeds on rural high-risk roadways and eliminate intersection  
9.27 interactions on rural high-risk roadways.

9.28           (c) In identifying rural high-risk roadways under this section, the commissioners of  
9.29 transportation and public safety must assess crash risks and examine available crash  
9.30 information and consult with Toward Zero Deaths program representatives and local traffic  
9.31 safety partners.

10.1 (d) The appropriations in this section are for the purposes of local match for formula  
10.2 and discretionary grant programs enacted in the federal Infrastructure Investment and Jobs  
10.3 Act (IIJA), Public Law 117-58.

10.4 Sec. 5. **APPROPRIATION; SAFE RIDE PROGRAMS.**

10.5 \$175,000 in fiscal year 2024 and \$175,000 in fiscal year 2025 are appropriated from the  
10.6 general fund to the commissioner of public safety for grants to local units of government  
10.7 for safe ride programs that provide safe transportation options for patrons of hospitality and  
10.8 entertainment businesses within a community.

10.9 Sec. 6. **APPROPRIATION; SUPPLEMENTAL SPEED MITIGATION MEASURES.**

10.10 \$300,000 in fiscal year 2024 and \$300,000 in fiscal year 2025 are appropriated from the  
10.11 general fund to the commissioner of transportation for additions and modifications to work  
10.12 zone design or layout to reduce vehicle speeds in a work zone. This appropriation is available  
10.13 following a determination by the commissioner that the initial work zone design or layout  
10.14 insufficiently provides for reduced vehicle speeds.

10.15 Sec. 7. **APPROPRIATION; TRAFFIC SAFETY VIOLATIONS DISPOSITION**  
10.16 **ANALYSIS.**

10.17 \$500,000 in fiscal year 2024 is appropriated from the general fund to the commissioner  
10.18 of public safety for the traffic safety violations disposition analysis under article 1, section  
10.19 7.