

CHAPTER 473A

TWIN CITIES AREA
METROPOLITAN TRANSIT COMMISSION ACT

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473A.01 DEFINITIONS. Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 473A.01 to 473A.18 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Metropolitan transit area" or "transit area" or "area" or "MTA" means the Twin Cities metropolitan public transit area hereinafter established.

Subd. 3. "Metropolitan transit commission" or "transit commission" or "commission" means the Twin Cities area metropolitan transit commission hereinafter created.

Subd. 4. "Transit commissioner" or "commissioner" means a member of the commission.

Subd. 5. "Municipality" or "municipal corporation" means any city, village, borough, or town.

Subd. 6. "Elected chief executive" means the mayor of a city, village, or borough, chairman of a town board, or other corresponding chief elected officer of a municipality.

Subd. 7. "Person" means any human being, any municipality or other public corporation or other public agency, any private corporation, any copartnership, joint stock company or other company, association or other organization, or any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, but does not include the commission.

Subd. 8. "Public transit" means transportation of passengers for hire by means, without limitation, of a street railway, elevated railway, subway, underground railroad, motor vehicles, buses, or other means of conveyance operating as a common carrier on a regular route or routes, or any combination thereof; provided, however, that "public transit" shall not include a common carrier railroad or common carrier railroads.

Subd. 9. "Public transit system" means, without limitation, a combination of property, structures, improvements, equipment, plants, parking or other facilities, and rights, or any thereof, used or useful for the purposes of public transit.

Subd. 10. "Mass transit system" means a public transit system the primary function of which is to provide rapid public transit for large numbers of passengers.

Subd. 11. "Operator" means any person engaged or seeking to engage in the business of providing public transit, but does not include persons engaged primarily in the transportation of children to or from school, in operating taxicabs, in operating buses, limousines, or other means for the transportation of passengers between a common carrier terminal station and a hotel or motel, in operating a common carrier railroad or common carrier railroads, or a person furnishing transportation solely for his or its employees or customers.

[1967 c 892 s 1]

473A.02 LEGISLATIVE DETERMINATION, POLICY AND PURPOSE. The legislature finds and determines that nearly half the people of the state live in the metropolitan transit area hereinafter established. The population of that area is growing faster than in any other area of the state, and it is continually visited by large numbers of people from other parts of the state, resulting in a heavy and

steadily increasing concentration of resident and transient population and creating serious problems of public transit and public highway traffic in the area. The present public transit systems in the area consist largely of bus lines using the public highways and streets. These systems are inadequate to meet the needs for public transit in the area. A major part of the transportation of people in the area is provided by private motor vehicles. All of the foregoing adds heavily to the traffic load on the state highways which constitute the main routes of travel to, from, and through the area, aggravating the congestion and danger of accidents thereon, polluting the surrounding air, intensifying the wear and tear on those highways and streets, increasing the cost of maintenance thereof, and the number, size, and cost of new highways that must be constructed in the area. These effects will progressively grow worse as the population of the area increases, imposing serious handicaps on the business, industry, property development, recreation, and other beneficial activities of the residents of the area and visitors thereto, and causing severe and widespread harm to the public health, safety and welfare of the area and the entire state. It is beyond the capacity of the present operators of public transit systems and other existing public and private agencies unassisted to make adequate provision for public transit in the area or for dealing effectively with the aforesaid problems and conditions therein. The legislature therefore declares as the public policy of the state that for the protection and advancement of the public health, safety, and welfare of the metropolitan transit area and the entire state, and in order to provide for adequate public transit within the area, reduce the traffic congestion and hazards on the state and other highways and streets therein, and relieve the other harmful conditions aforesaid, there is urgent need for the establishment of that area as herein defined, for the creation of a metropolitan transit commission therefor with the powers and duties herein prescribed, and for the other measures herein provided for.

[1967 c 892 s 2]

473A.03 TWIN CITIES METROPOLITAN PUBLIC TRANSIT AREA; ESTABLISHMENT. There is hereby established a Twin Cities metropolitan public transit area comprising the counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver.

[1967 c 892 s 3]

473A.04 TWIN CITIES AREA METROPOLITAN TRANSIT COMMISSION. Subdivision 1. **Commission; creation and composition.** There is hereby created a Twin Cities area metropolitan transit commission for the area, composed of nine members, herein called commissioners, selected and serving as hereinafter provided.

Subd. 2. **Minneapolis transit commissioners.** Two commissioners shall represent the city of Minneapolis and shall be residents of that city. One of them, who shall not be a member of the city council, shall be appointed by the mayor of the city. The other shall be elected by the city council from its membership or otherwise by a majority vote of all its members.

Subd. 3. **Suburban Hennepin county transit commissioners.** Two commissioners shall represent the territory comprising that part of the county of Hennepin outside the city of Minneapolis, and shall be residents of that territory. For the purpose of selecting them the county auditor, upon at least ten days notice by mail, shall call a meeting of the elected chief executives of all the municipalities in that territory, to be held at a suitable place therein designated by the auditor. At that meeting not less than three nor more than six eligible candidates for the positions to be filled shall be nominated in the manner provided in subdivision 7, and their names shall be submitted to the county board. From those nominees the board shall elect the transit commissioners specified in this subdivision by majority vote of all the members of the board.

Subd. 4. **St. Paul and Ramsey county transit commissioners.** Two commissioners shall represent the territory comprising the city of St. Paul and the remainder of the county of Ramsey, and shall be residents of that territory. One of them shall be elected by the city council of St. Paul from its membership or otherwise by majority vote of all its members, subject to the approval of the mayor. The other shall be selected in the following manner. The county auditor, upon at least ten days notice by mail, shall call a meeting of the elected chief executives of all the municipalities in Ramsey county. At that meeting three eligible candidates for the position to be filled shall be nominated by the chief executives entitled to

attend the meeting, to be submitted to the county board. From these nominees the board shall elect the transit commissioner by majority vote of all members of the board. Each chief executive shall have one vote and an additional vote for each full 1,000 population in excess of 1,000 in his municipality according to the latest official federal census, except the chief executive of St. Paul shall have an additional vote for each full 1,000 population in excess of 230,000. The votes of a majority of the chief executives present and voting and a majority of the total number of votes to which they are entitled shall be required for nomination of a person for the office of commissioner.

Subd. 5. **Anoka and Washington county transit commissioner.** One commissioner shall represent the territory comprising the counties of Anoka and Washington, and shall be a resident of that territory. The auditor of the county having the largest population of those included in the territory according to the last preceding federal census shall, upon at least ten days notice by mail, call a meeting of the elected chief executives of all the municipalities in the territory, to be held at a suitable place therein designated by the auditor. He shall also, upon like notice, call a joint meeting of all the county commissioners in the territory, to be held as soon as practicable thereafter. At the meeting of the chief executives they shall elect from among their number a joint meeting chairman who shall preside over the meeting of the county commissioners provided for in this subdivision and who shall vote in the event of a tie vote taken on the question of selection of a transit commissioner. The joint meeting chairman thus selected or his successor as chief executive of the municipality he represented at the time of his selection shall serve as chairman of any joint meetings of the two county boards called to fill a vacancy for an unexpired term in the position of transit commissioner. Following the selection of the initial chairman, the chairmanship shall be alternated between the two counties as succeeding full term selections are made. At the meeting to select the joint meeting chairman as herein provided, a majority of the elected executives shall constitute a quorum. In the voting for selection of the executive to sit as chairman of the joint meeting, the weighted vote system set out in subdivision 7 shall apply. The county commissioners at the joint meeting by majority vote of those county commissioners present and voting from each county in the territory shall elect the transit commissioner specified in this subdivision and in the event of a tie vote the chairman of said meeting as provided in this section shall vote to break the tie.

Subd. 6. **Dakota, Scott and Carver county transit commissioner.** One commissioner shall represent the territory comprising the counties of Dakota, Scott and Carver, and shall be a resident of that territory. The auditor of the county having the largest population of those included in the territory according to the last preceding federal census shall, upon at least 10 days notice by mail, call a meeting of the elected chief executives of all the municipalities in the territory, to be held at a suitable place therein designated by the auditor. He shall also, upon like notice, call a meeting of all the county commissioners in the territory, to be held as soon as practicable thereafter. At the meeting of the chief executives not less than three nor more than four eligible candidates for the position to be filled shall be nominated in the manner provided in subdivision 7; provided that the nominees shall include at least one resident of each county in the territory. The nominations shall be submitted to the county commissioners at their meeting, and thereat, by majority vote of all the county commissioners from each county in the territory, they shall elect from the nominees the transit commissioner specified in this subdivision.

Subd. 7. **Nomination of commissioners.** In all proceedings for the nomination of candidates for the office of commissioner pursuant to subdivisions 3 and 6, a majority of the elected chief executives of all the municipalities in the applicable territory shall be required as a quorum. Each chief executive shall have one vote and an additional vote for each full 1,000 population in excess of 1,000 in his municipality according to the latest official federal census. The votes of a majority of the chief executives present and voting and a majority of the total number of votes to which they are entitled shall be required for nomination of a person for the office of commissioner.

Subd. 8. **Transit commissioner and chairman appointed by the governor.** The governor shall appoint one commissioner with the advice and consent of the senate, who shall be a resident of the metropolitan area and who shall serve as chairman of the commission.

Subd. 9. **Terms of transit commissioners.** The terms of the first transit commissioners shall expire on July 1 in the respective calendar years following 1967

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as follows: the commissioner appointed by the mayor of the city of Minneapolis under subdivision 2 and the commissioner selected under subdivision 5 in the first calendar year; the commissioner selected first under subdivision 3 and the commissioner elected by the city council of St. Paul under subdivision 4 in the second calendar year; the commissioner elected by the city council of Minneapolis under subdivision 2 and the commissioner selected under subdivision 6 in the third calendar year; the commissioner selected last under subdivision 3, the commissioner appointed by the board of Ramsey county under subdivision 4, and the commissioner appointed by the governor under subdivision 8 in the fourth calendar year. Succeeding terms of all commissioners shall be four years. Each commissioner shall serve until his successor has been selected and has qualified unless his tenure is terminated by resignation, removal, death, or otherwise as provided by law.

Subd. 10. Vacancies. Any vacancy in a commission membership shall be filled for the unexpired term in like manner as provided for selection of the regular incumbent.

Subd. 11. Commissioners; time limits for selection; alternative appointment by governor. The first commissioners shall be selected as hereinbefore provided within 60 days after July 1, 1967. A successor to each commissioner shall be so selected at any time within 60 days before the expiration of his term. A selection to fill a vacancy shall be made within 60 days after the occurrence of the vacancy. If any selection is not made by the agency hereinbefore authorized within the time prescribed therefor, the governor shall forthwith appoint an eligible person to the commission membership affected with like effect as if the selection were made by such authorized agency.

Subd. 12. Commissioners; certificates of selection; oath of office. A certificate of the selection of every commissioner, stating the term for which he was selected, shall be made by the selecting agency or its presiding and recording officers, with approval appended by other authority, if required, and filed with the secretary of state. Counterparts thereof shall be furnished to the commissioner and the secretary of the commission. Each commissioner shall file with the secretary of state an oath of office in the same form as prescribed for state officers by the state constitution.

Subd. 13. Commissioners, officers, and employees; conflicting interests prohibited. No commissioner and no officer or employee of the commission having administrative or policy making authority shall:

(a) have any private financial interest, directly or indirectly, in any contract, work, or business of the commission or any public transit system subject to regulation by the commission;

(b) be in the employ of or hold any stock, bond, investment, or other financial interest in or private business relationship to any operator of a public transit system in the area.

Any violation of the provisions of this subdivision shall be a gross misdemeanor, and upon conviction thereof the defendant shall be deemed to be automatically removed from his position upon or under the commission forthwith, and shall be disqualified from holding such position.

Subd. 14. Commissioners; removal. A commissioner may be removed by the governor for malfeasance or nonfeasance in the performance of his official duties as provided by sections 351.03 and 351.04.

[1967 c 892 s 4; 1969 c 947 s 1-3]

473A.05 COMMISSION; GENERAL PROVISIONS FOR ORGANIZATION AND OPERATION. Subdivision 1. **Organization; officers; meetings; seal.** Within 90 days after July 1, 1967, or as soon as practicable after the selection and qualification of a majority of the first members of the commission, they shall meet to organize the commission at the call of the chairman or of any three commissioners, upon seven days notice by registered mail to all those who have qualified, at a time and place within the area designated in the notice. Five commissioners shall constitute a quorum at that meeting and all other meetings of the commission. At that meeting the commission shall elect a vice chairman from its membership and a secretary therefrom or otherwise, to serve until the regular monthly meeting of the commission to be held in the month of July next following or until their successors are elected and have qualified. At that regular monthly meeting and at the regular meeting held in the month of July in alternate years thereafter the commission shall elect successors to those officers to serve for two years or until

their successors are elected and have qualified; provided, that if the secretary is not a member of the commission, he shall serve at the pleasure of the commission. The commission shall hold a regular meeting at least once in each month at a time and place within the area designated by the commission. Special meetings may be held as directed by the commission or at the call of the chairman or any three commissioners upon at least seven days notice by mail to all commissioners. All meetings of the commission shall be open to the public. Any authorized action may be taken by the commission upon the vote of a majority of those members present at any meeting lawfully convened. The commission may adopt a seal, which shall be officially and judicially noticed, to authenticate instruments executed by its authority, but omission of the seal shall not affect the validity of any instrument. The chairman, vice chairman, and secretary shall have the powers and duties usually incident to their respective offices and such others as may be prescribed for or delegated to them by the commission or as may be otherwise provided by law.

Subd. 2. Commission; state treasurer to be treasurer; fiscal year. The state treasurer shall be ex officio treasurer of the commission and shall receive, hold, disburse, invest, and otherwise dispose of all moneys of the commission as provided by law for state funds, so far as applicable; provided, that interest on investments of any funds of the commission shall be credited thereto. Except as otherwise expressly provided, he shall disburse moneys of the commission only as directed by the commission or by any of its officers thereto authorized by the commission. The fiscal year of the commission shall be from July 1 to June 30.

Subd. 3. Commissioners; compensation and expenses. A commissioner shall receive no compensation for his services except as hereinafter provided, but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. Each commissioner shall be paid such sum as the commission may determine, not exceeding \$35 for each day or part thereof spent in attending meetings of the commission; provided, that no commissioner shall receive more than \$2,500 for such attendance in any one calendar year. The chairman and the secretary shall receive such compensation as the commission may determine, which may be in addition to their compensation as commissioners if they are such.

Subd. 4. Commission; executive director; other officers and employees. The commission shall appoint an executive director who shall be experienced and knowledgeable in the field of transit. He shall not be under civil service, and the commission shall prescribe the terms of his employment as to compensation, tenure, retirement, and other appropriate conditions, including, without limitation, any conditions applicable by law to public employees in the unclassified service so far as the commission shall so determine. He shall be subject to removal by the commission at any time. The executive director shall be the chief administrative officer of the commission and shall have the powers and duties incident thereto and such others as the commission may prescribe in furtherance of the provisions of sections 473A.01 to 473A.18, including such powers of the commission as it may see fit to delegate to him except those expressly required by law to be exercised by the commission. The commission may appoint or employ such other regular officers and employees as it deems necessary in furtherance of the purposes of sections 473A.01 to 473A.18 and prescribe their terms of employment, powers, and duties, subject to applicable civil service laws and other laws relating to public employees except as otherwise expressly provided. In addition thereto the commission may engage by contract, upon such terms as it may see fit, attorneys, engineers, consultants, agents, and other professionally qualified persons for such special purposes as the commission deems necessary in furtherance of the purposes of sections 473A.01 to 473A.18, subject to removal at the pleasure of the commission.

Subd. 5. Commission; officers and employees; retirement systems and other benefits. The commission is a governmental subdivision as that term is used in section 353.01, subdivision 6, but this subdivision shall not reduce the obligations of the commission as set forth elsewhere in sections 473A.01 to 473A.18.

Subd. 6. Commission; bonds of officers and employees. The commission may require bonds of any of its officers or employees except the treasurer, conditioned as required by law for the bonds of public officers and with such further provisions as the commission may determine, with corporate surety for which the premiums shall be paid out of the funds of the commission. The state treasurer's bond shall be security for the funds of the commission in his keeping in like manner as for state funds, and any increase of premium for such bond required on account of the commission's funds shall be paid therefrom.

Subd. 7. **Commission; legal status; general powers.** (a) The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 473A.01 to 473A.18 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area, all subject to the provisions of Minnesota Statutes 1967, Section 473A.16. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission.

(b) The commission shall have the power to plan, engineer, construct, equip, and operate transit systems, transit projects, or any parts thereof, including transit lanes or rights of way, terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any public transit system. The commission may acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights of any kind for such purposes, or which may be necessary or proper for the discharge of its powers and duties. The commission shall have the power to acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission may not acquire any existing public transit system until such acquisition has been approved by a majority of the metropolitan council. The commission may hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of any of its property or rights to others and may contract with any operator or other persons for the use by any such operator or person of any such property or facilities under its control.

The commission, if it proceeds to acquire any existing public transit system or any part thereof by condemnation, shall have the power to take control of and operate such system immediately following the filing and approval of the initial petition for condemnation, if the commission, in its discretion, determines such action to be necessary. This power shall include the possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Such action shall be taken by resolution which shall be effective upon service of a copy thereof on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements made by the transit commission.

The commission may sue and be sued and may enter into contracts which may be necessary or proper. The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 473A.01 to 473A.18, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

Subd. 8. **Operations.** Notwithstanding any of the other provisions of sections 473A.01 to 473A.18, the commission shall have powers, in lieu of directly operating any public transit system, or any part thereof, to enter into management contracts with any persons, firms, or corporations for the management of said system for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the commission and such persons, firms, or corporations.

Such persons, firms, or corporations entering into management contracts with the commission may employ necessary personnel for the operation and maintenance of said system as well as perform consulting and supervisory services for the

commission. An incentive fee may be included in any management contract that is negotiated. The employees of any public transit system operated pursuant to the provisions of this subdivision shall, in case of any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, have the right, for the purpose of resolving such dispute, either to engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Whenever the commission shall directly operate any public transit system, or any part thereof, or enter into any management contract or other arrangement for the operation thereof, the commission shall take such action as may be necessary to extend to employees of affected public transit systems in the area, in accordance with seniority, the first opportunity for reasonably comparable employment in any available non-supervisory jobs in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employees position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits, and rights and privileges pertaining thereto.

The commission may enter into an agreement specifying fair and equitable arrangements to protect the interests of employees who may be affected if the commission should acquire any interest in or purchase any facilities or other property of a private transit system, or construct, improve, or reconstruct any such facilities or other such property acquired from any such system, or provide by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing transit system. Such agreement, specifying the terms and conditions of the protective arrangements, shall comply with any applicable requirements of this chapter, and with the requirements of any federal law or regulation if federal aid is involved. Such an agreement may provide for final and binding arbitration of any dispute.

Subd. 9. Commission; rules and regulations. The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 473A.01 to 473A.18 upon like procedure and with like force and effect as provided for state agencies by sections 15.0411 to 15.0422, and acts amendatory thereof and supplementary thereto.

Subd. 10. Commission budget; approval thereof. During the month of June in each year, the commission shall at its regular meeting establish a budget consisting of an operating expense budget for the current fiscal year, a capital expense budget for the current fiscal year, and a capital improvement program for the five fiscal years past the current fiscal year. The capital expense budget and the capital improvement program shall be submitted to the metropolitan council for its approval or disapproval and comment which shall be given within 60 days after submission. The absence of such approval or comment as to the items contained therein shall constitute approval of such items. If circumstances require a significant change in the budget or program, the commission shall submit the matter to the council for its approval within 30 days upon the above terms.

The commission and the council shall cooperate in such manner and provide such information so as to make possible meaningful evaluation of these items and of the comments thereon in implementation of the purposes of Minnesota Statutes 1967, Section 473B.06.

[1967 c 892 s 5; 1969 c 625 s 1, 2, 10, 12]

473A.06 MASS TRANSIT SYSTEM. Subdivision 1. **Plan for complete system.** The commission, with the cooperation of the Twin Cities metropolitan planning commission or its successor in authority and the department of highways, shall develop a plan for a complete, integrated mass transit system for the metropolitan transit area so designed as in the judgment of the commission to best fit the needs of the area, to be submitted to the legislature at its next regular session after July 1, 1967. Such plan shall provide for and include the coordination of routes and operations of all publicly and privately owned mass transit facilities within the area to the end that combined, efficient, and rapid mass transit service may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration mass transit project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form.

Subd. 2. Improvement of existing public transit systems. The commission, as

a primary objective, shall make recommendations and suggestions to improve public transit systems now or hereafter operating in the transit area and strengthen the operation thereof by assisting the operators in experimenting with new services, extending routes, adjusting fares, and other appropriate expedients. The commission may enter into a prior agreement to reimburse any such operator for any losses incurred resulting from any experimentation conducted with routes, fares or equipment.

Subd. 3. Combination of mass transit and public highway systems; services of department of highways. The mass transit system specified in subdivision 1 shall be designed, as far as practicable, so as to provide, in combination with public highways, adequate means and facilities of maximum attainable efficiency for public transportation to, from, and within the metropolitan transit area, and to relieve the congestion, traffic hazards, and other objectionable conditions aforesaid on the public highways caused by lack of adequate provisions for public transit. In planning, designing, and constructing the mass transit system the commission may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commissioner of highways can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the commission shall have final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of highways may furnish all engineering, legal, and other services, if so requested by the commission and upon fair and reasonable reimbursement for the cost thereof by the commission, which the commission requests for the purposes stated in this subdivision, including the acquisition by purchase, condemnation, or otherwise in the name of the commission of all lands, waters, easements, or other rights or interests in lands or waters required by the commission.

Subd. 4. State highways; joint use for transit and highway purposes. Wherever the joint construction or use of a state highway is feasible in fulfilling the purposes of sections 473A.01 to 473A.18, the commission shall enter into an agreement with the commissioner of highways therefor, evidenced by a memorandum setting forth the terms of the agreement. Either the commission or the commissioner of highways may acquire any additional lands, waters, easements or other rights or interests therein required for such joint use in accordance with said agreement, or joint acquisition may be made by condemnation as provided by section 117.015 and the provisions of this chapter. Under any such agreement each party shall pay to the other party reasonable compensation for the costs of any services performed at the request of the other party which may include any costs of engineering, design, acquisition of property, construction of the facilities, and for the use thereof so far as attributable to and necessary for said purposes.

Subd. 5. Use of public roadways and appurtenances. The commission shall have the right to use for the purposes of sections 473A.01 to 473A.18 upon the conditions hereinafter stated any state highway or other public roadway or lane thereof, or any bridge or tunnel or other appurtenance of such roadway, without payment of any compensation therefor, provided such use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance thereof; provided further, that the provisions of this subdivision shall not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance shall not be required, but if such agency objects to the proposed use or claims reimbursement from the commission for additional cost of maintenance, it may commence an action against the commission in the district court of the county wherein such highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in such action shall conform to the rules of civil procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin such use by the commission. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of such additional costs. Otherwise the court shall award judgment to the commission. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The commission may also use land within the right of way of any state highway or other

public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions hereinafter stated and subject only to the approval of the commissioner of highways where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

[1967 c 892 s 6; 1969 c 625 s 3-5]

473A.07 METROPOLITAN TRANSIT COMMISSION; FINANCES. Subdivision 1. **MTA wheelage tax; classification of motor vehicles.** For the purposes of the MTA wheelage tax hereinafter provided for, all motor vehicles which use public streets or highways within the metropolitan transit area, which are kept at any place within the area when not in operation, and which are subject by law to annual registration and payment of a state motor vehicle tax are hereby classified, in addition to and without superseding any other classification, as metropolitan transit area motor vehicles, to be known as class MTA motor vehicles. Any motor vehicle which is or is to be so kept and so subject at any time during the calendar year or years for which such tax is levied shall be presumed to be within such class and subject to the MTA wheelage tax for such year or years.

Subd. 2. **MTA wheelage tax; levy; purposes.** To provide funds for the purposes of sections 473A.01 to 473A.18 the metropolitan transit commission on or before August 1 in any year shall levy on all class MTA motor vehicles a wheelage tax, known as the metropolitan transit area or MTA wheelage tax, in the sum of \$1 per year for any succeeding calendar year or years. Such tax shall be in addition to the state motor vehicle tax and other wheelage taxes, if any, and shall not be subject to any limitations prescribed by law except as herein expressly provided. The MTA wheelage tax shall be deemed to be exclusively for public highway purposes by reason of the reduction through the establishment of the means of mass transit of the size, number, and cost of public highways which are now and must in the future be constructed, operated, and maintained in the transit area, and by reason of the reduction through said means of the traffic congestion and hazards and other harmful conditions on the public highways in the area resulting from lack of adequate provision for public transit therein.

Subd. 3. **MTA wheelage tax; collection by registrar of motor vehicles.** The MTA wheelage tax when levied shall be certified by the commission to the state registrar of motor vehicles not later than August 1 in the year before the calendar year or years for which the tax is levied, and the registrar shall collect such tax with the motor vehicle taxes on the affected vehicles for such year or years. Every owner and every operator of such a motor vehicle shall furnish to the registrar such applications, reports, and other information as the registrar shall prescribe and provide for all forms required therefor. No motor vehicle tax on any such motor vehicle for any such year shall be received or deemed paid unless the MTA wheelage tax is paid therewith. Except as otherwise herein provided, the proceeds of the MTA wheelage tax when collected shall be paid to the state treasurer as treasurer of the commission and credited by him to the funds of the commission.

Subd. 4. **MTA wheelage tax; costs of collection.** Subject to the further provisions of this subdivision, the commission shall pay all costs of collection of the MTA wheelage tax in excess of the costs of collection of the motor vehicle tax, and may provide for advancement of funds therefor so far as necessary. Whenever there are moneys in the transfer of ownership revolving fund under section 168.54, in excess of the amounts needed for the purposes therein specified, the registrar may use such excess moneys for costs of collection of the wheelage tax, to be reimbursed by the treasurer out of proceeds of the wheelage tax as soon as received unless such reimbursement has been otherwise provided for by the commission.

Subd. 5. **Offenses; penalties; application of other laws.** Any owner or operator of a class MTA motor vehicle who shall wilfully make any false statement in an application, report, or other information required by the registrar of motor vehicles for the purpose of collecting the MTA wheelage tax, or who shall wilfully fail or refuse to furnish any such application, report, or information shall be guilty of a misdemeanor. Except as otherwise herein provided, the collection and payment of the MTA wheelage tax and all matters relating thereto shall be subject to all provisions of law relating to collection and payment of motor vehicle taxes so far as applicable.

Subd. 6. [Repealed, 1969 c 625 s 6]

Subd. 7. **Commission; borrowing money.** The commission, if authorized by vote of at least two-thirds of all its members, may borrow money on such terms, in such amounts, and in such manner as it deems proper. Any loan made under this subdivision and interest thereon shall be payable from collections of the MTA wheelage tax or from any other funds of the commission not otherwise appropriated by law and not otherwise pledged by resolution of the commission. Any such loans may be evidenced by promissory notes or certificates of indebtedness, to which the commission may pledge moneys received upon collection of the MTA wheelage tax or any property tax authorized by this chapter or as proceeds of bonds issued pursuant to the provisions of this chapter. Any such loans may also be secured by a security interest in the property acquired in whole or in part from the proceeds of the loan. Except as herein otherwise provided, any such obligation shall not constitute a charge, lien or encumbrance upon and shall not be enforced against any property of the commission except tax collections and bond proceeds specifically pledged by the commission and except for security interests granted by the commission; and in the enforcement or collection of such obligation, exercise of the taxing power of the commission may not be required unless the commission shall have specifically pledged tax levies or tax collections authorized by this chapter to the payment of the obligation. Such obligations shall not be considered a debt of the state or any municipality or political subdivision thereof within the meaning of any debt limitation or requirement pertaining to such entities, and neither the state nor any municipality or political subdivision thereof except the commission, nor any commissioner or officer or employee of the commission shall be liable thereon. Such obligations shall otherwise be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

[1967 c 892 s 7; 1969 c 625 s 7]

473A.08 BONDS. Subdivision 1. **Authority to issue, purposes.** The commission shall have authority to issue negotiable revenue bonds for any one or more of its powers and purposes, including the following: To construct and equip terminal facilities, maintenance and garage facilities, ramps, parking areas, or similar facilities used or useful in connection with a public transit system or part thereof; to acquire, improve, extend, or reconstruct any public transit system or any part thereof; to acquire any property or equipment useful for the construction, reconstruction, extension, improvement, or operation of any public transit system or any part thereof; to acquire any other real or personal property, franchises, easements, transit lanes, rights of way or other rights used or useful in connection with a public transit system or any part thereof; and to refund bonds issued for any such purposes.

Subd. 2. **Revenue bonds, resolution, terms, sales.** Revenue bonds under this section shall be issued in such amounts, times and series as the commission by resolution shall determine and shall mature within 40 years from their date. No election shall be necessary to authorize the issuance of revenue bonds by the commission. Such revenue bonds may be sold at public or private sale or may be issued in exchange for bonds refunded thereby or property acquisitions or contract obligations funded thereby. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest and other terms of the bonds shall be subject to the provisions of sections 475.54 to 475.56.

Subd. 3. **Revenue bonds, payment.** Revenue bonds issued under this section shall not constitute a debt of the state or of any municipal corporation or political subdivision and no ad valorem tax levy may be compelled for their payment except as provided in section 473A.14, but they shall be payable only from the revenues of the commission pledged by the commission to payment of principal thereof and interest thereon, and they shall so recite. At or before the issuance of revenue bonds, the commission shall pledge and appropriate to the payment of principal and interest the gross or net revenues of the public transit system or some part thereof, and may pledge and appropriate other revenues of the commission, as described and defined in the authorizing resolution.

Subd. 4. **Revenue bond covenants, trust indenture.** By the authorizing resolution, the commission may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the public transit system facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; com-

peting public transit systems and such other covenants as the commission shall find to be usual and reasonably necessary for the protection of transit system revenue bondholders. Among other covenants, the commission is authorized to covenant on behalf of the state that the state will not limit or alter the power and obligation of the commission to establish, increase and collect pledged moneys sufficient to pay expenses of operation and maintenance and provide debt service on the bonds and to covenant on behalf of the state and each municipality or other political subdivision that no franchise, license, or permit shall be granted or renewed for any public transit system or part thereof which would compete with the public transit system or part thereof the revenues of which are pledged. The commission may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the commission may instead be set forth in a trust indenture with a corporation having trust powers appointed by the commission to represent and act for bondholders and to hold and disburse pledged moneys and to perform such other duties as may be provided in the trust indenture, but no such trust indenture shall confer or authorize any mortgage lien on the real or operating properties or general funds of the commission.

Subd. 5. Legal investments. Bonds issued by the commission may be purchased by the state board of investment for any trust fund of the state or other fund administered by such board, and shall be proper for investment of any funds administered by such board, and shall be proper for investment of any funds by any savings bank, trust company, insurance company or public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys.

Subd. 6. Tax exempt. Bonds of the commission shall be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

[1967 c 892 s 8; 1969 c 625 s 11]

473A.09 COMMISSION; SPECIAL PROVISIONS. Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by chapter 117, and acts amendatory thereof or supplementary thereto for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any purpose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

Subd. 2. Voluntary transfer of public property to the commission. Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the commission, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the commission for any authorized purpose. In any case where the construction of any such facilities has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the commission, with or without consideration, any existing contract for the construction of the facilities.

Subd. 3. Commission; investigation of need for changes in existing systems. Notwithstanding the provisions of any law or municipal charter or ordinance to the contrary, the commission, on its own motion or on petition of any operator, municipality, or other public agency, may investigate the need for changes in existing routes, schedules, and stops in effect in any public transit system now or hereafter operating in the transit area. In conducting such investigation, the com-

mission shall consider recommendations as to the subject matter made by any affected municipality or other public agency, and shall give due consideration to street surfaces, traffic conditions, cost of operations, and the planning programs of such municipalities or agencies. In connection with any such investigation, the commission may hold hearings on any matter under consideration, affording all parties concerned an opportunity to appear and be heard thereat. If upon any such investigation or hearing the commission finds that there is no need for any change in existing conditions or operations, it shall make an order so determining and discontinuing the investigation. If the commission finds that there is need for any such change, it shall proceed as provided in subdivision 4.

Subd. 4. Commission; proceedings for changes before railroad and warehouse commission. If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the railroad and warehouse commission and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the railroad and warehouse commission shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the railroad and warehouse commission an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and served within such 30 day period, the railroad and warehouse commission shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the railroad and warehouse commission within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An appeal from the action of the railroad and warehouse commission in any such matter may be taken as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto.

Subd. 5. Transit commission; proceedings before railroad and warehouse commission and other authorities. The transit commission may petition the railroad and warehouse commission for changes in rates of operators of public transit systems serving the transit area. Upon receipt of such petition, the railroad and warehouse commission shall order a hearing and conduct further proceedings thereon as provided by section 221.041, and other applicable laws and regulations. The transit commission may appear in behalf of the public interest in any such proceedings or in any other proceeding before the railroad and warehouse commission, the interstate commerce commission, the courts, or other public authorities involving any matter relating to public transit within or affecting the transit area.

Subd. 6. Succession to powers of railroad and warehouse commission. There shall be transferred to and vested in the transit commission all of the powers and functions of the Minnesota railroad and warehouse commission with respect to any public transit system or part thereof which shall have been acquired or constructed by and is owned and operated by or under the authority of the transit commission. Whenever and so long as such public transit system or systems in the aggregate serve in excess of 50 percent of the persons using public transit systems in the area as determined by the railroad and warehouse commission, all of the powers and functions of the railroad and warehouse commission over all public transit systems in the area shall be transferred to and vested in the transit commission. With respect to a public transit system or any part thereof over which the transit commission shall exercise the powers and functions of the railroad and warehouse commission as hereinbefore provided the exercise of such powers and functions by the transit commission shall be exclusive and the railroad and warehouse commission shall not have authority to exercise such powers and functions with respect thereto. An appeal from any order or decision of the transit commission may be taken by any party aggrieved thereby in like manner and with like effect as provided by law for appeals in corresponding cases from the orders or decisions of the railroad and warehouse commission.

Subd. 7. Relocation of displaced persons. The commission may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the commission, and may make

relocation payments in connection therewith in accordance with federal regulations.

Subd. 8. Commission; insurance. The commission may provide for self-insurance or may otherwise provide for the insurance of any of its property, rights, or revenue, workmen's compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against any such risk or hazard at the expense of the commission.

Subd. 9. Entry on premises for investigations. The commission may enter in a reasonable manner upon any lands, waters, or premises for the purpose of making any reasonably necessary or proper surveys, soundings, drillings, and examinations. No such entry shall be deemed a trespass, except that the commission shall be liable for any actual and consequential loss, injury, or damage therefrom.

Subd. 10. Inspection of books and papers. The commission or its authorized agents may require the production of accounts, books, records, memoranda, correspondence, and other documents and papers of any operator relating to his or its public transit operations in the transit area, may inspect and copy any thereof at the operator's place of business, and shall have access to and may inspect any of the lands, buildings, facilities, or equipment of any such operator used for such operations.

Subd. 11. Commission; auditor of finances. The commission shall employ a certified public accountant or firm thereof to make an annual audit of the commission's financial accounts and affairs, and copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission, the secretary of state, the county auditors of all counties and the clerks, secretaries, or other recording officers of all municipalities in the transit area.

[1967 c 892 s 9]

473A.10 LABOR PROVISIONS. If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 473A.01 to 473A.18. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired transportation system.

[1967 c 892 s 10]

473A.11 COMMISSION; TAKING OVER PERSONNEL AND CONTRACTS OF JOINT POWERS TRANSIT COMMISSION. The commission, upon commencing operations under sections 473A.01 to 473A.18, shall, so far as deemed practicable and advisable in the discretion of the commission and subject to the provisions hereof, take over and employ in corresponding positions or other suitable positions the professional, technical, and other personnel employed by the existing metropolitan transit commission, hereinafter called the joint powers transit commission, created by the joint and cooperative agreement heretofore made between certain governmental units of the transit area pursuant to section 471.59. The transit commission created by sections 473A.01 to 473A.18 shall upon like conditions take over any contracts made by the joint powers transit commission and in force on July 1, 1967 for professional or technical services, rental of office space or other facilities, or other contracts relating to any matter within the purposes of sections

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473A.01 to 473A.18. The joint powers transit commission shall execute all instruments which may be necessary to effectuate the provisions of this section.

[1967 c 892 s 11]

473A.12 COMMISSION; ANNUAL REPORTS. The commission on or before November 30, 1968, and annually thereafter, shall prepare a report for the preceding fiscal year, also, so far as practicable, for the further time up to the preparation of the report, containing, in addition to such other matters as the commission may deem proper, the following:

- (a) the activities of the commission during the period covered by the report;
- (b) the financial condition of public transit systems under the control of the commission;
- (c) a complete financial accounting of moneys received and spent by the commission during the fiscal year;
- (d) recommendations for improvements of or additions to the mass transit facilities of the area to provide adequate, speedy, and efficient means of transporting people therein;
- (e) recommendations for any needed legislation in furtherance of the aforesaid purposes.

Each report shall be filed with the secretary of the commission and a copy shall be filed with the secretary of state. Copies shall also be submitted to the legislature at the opening of each regular session after July 1, 1967, and shall be distributed annually to the governor and to each member of the legislature, county commission, and elected chief executive of each municipality in the transit area.

[1967 c 892 s 12]

473A.13 COMMISSION; EXEMPTION FROM TAXATION. Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of the commission, all revenues or other income of the commission, and all bonds, certificates of indebtedness, or other obligations issued by the commission, and the interest thereon, shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

[1967 c 892 s 13]

473A.14 PROPERTY TAX IN LIEU OF WHEELAGE TAX IF INVALIDATED. In case the provisions of sections 473A.01 to 473A.18 for levy or collection of the MTA wheelage tax shall be held invalid by the final decision of a court of competent jurisdiction so as to make such tax uncollectible, the commission shall, in lieu thereof, and subject to the further provisions hereof, annually levy a direct tax on all the taxable property in the transit area at a rate sufficient to produce an amount equivalent to the amount that would have been produced by the wheelage tax, or so much thereof as may be necessary for the purposes of sections 473A.01 to 473A.18. Such amount shall be determined by the commission on the basis of estimates furnished by the registrar of motor vehicles as to the number of class MTA motor vehicles in the year for which the property tax is levied. The total levy for any year shall not exceed the amount so determined or the sum of \$850,000, whichever is smaller, except that for the first taxable year for which such levy is made a sufficient additional sum may be included to compensate for any loss of revenue theretofore sustained by the commission by reason of invalidation of the wheelage tax; provided, that the foregoing limitations shall not apply to any taxes levied to cover any deficiency in moneys available for payment of the principal or interest on securities or other evidences of indebtedness of the commission. Property taxes levied under this section shall be certified by the commission to the county auditors of the transit area, extended, assessed, and collected in like manner as provided by law for the regular property taxes levied by the governing bodies of cities or villages. The proceeds of the taxes levied under this section shall be remitted by the respective county treasurers to the treasurer of the commission, who shall credit the same to the funds of the commission for use for the purposes of sections 473A.01 to 473A.18 in like manner as if derived from the proceeds of the MTA wheelage tax, subject to any applicable pledges or limitations on account of securities or other evidences of indebtedness.

[1967 c 892 s 14; 1969 c 625 s 8]

473A.15 MULTI-PURPOSE METROPOLITAN AGENCY; SUBSEQUENT CREATION BY LEGISLATURE. The commission shall so plan and conduct its opera-

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tions and projects that if the legislature subsequently enacts legislation creating a single multi-purpose metropolitan public agency to handle a variety of problems affecting the transit area, and gives such agency powers and duties relating to public transit which are substantially the same as or greater than those given the commission by sections 473A.01 to 473A.18, with provisions which result in making the commission subject to such agency or merging the commission therein or transferring the powers and duties of the commission thereto or terminating the existence of the commission or otherwise disposing of its affairs, the commission will be prepared to comply therewith in accordance with the intent of the legislature.

[1967 c 892 s 15]

473A.16 ACT EXCLUSIVE. The exercise by the commission of the powers provided in sections 473A.01 to 473A.18 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473A.01 to 473A.18, and further except that in the event a public body or agency shall be created to exercise the powers of the commission as provided in sections 473A.01 to 473A.18, such powers shall be exercised by such other public body or agency.

[1967 c 892 s 16]

473A.17 SEVERABILITY OF PROVISIONS. The provisions of sections 473A.01 to 473A.18 shall be severable, and if any provision thereof or the application of any such provision under any circumstances is held invalid, it shall not affect any other provision of sections 473A.01 to 473A.18 or the application of any provision thereof under different circumstances.

[1967 c 892 s 17]

473A.18 CITATION. Sections 473A.01 to 473A.18 may be cited as the Twin Cities area metropolitan transit commission act of 1967.

[1967 c 892 s 18]