

CHAPTER 174

DEPARTMENT OF TRANSPORTATION

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174.031 JURISDICTION STUDIES.

Subdivision 1. **Studies directed.** The commissioner of transportation shall establish and direct a series of highway jurisdiction studies at the regional and multicounty level. The studies must be so designed and conducted as to constitute a comprehensive review in each development region, as designated under section 462.385, of the existing ownership of all roads and proposed changes in jurisdiction of those roads.

Subd. 2. **Study guidelines.** (a) The commissioner shall establish guidelines for the studies. The guidelines must require that recommended jurisdictional changes in each study be based on functional classification as modified by other factors, which must include: level and type of commodities moved, service to economic centers, load-bearing capacity, service to state and local institutions, tourism function, constitutional status, and other factors the commissioner deems necessary. The guidelines must provide criteria for estimating the changes in financial obligations that will accompany each transfer of mileage under the jurisdiction proposals produced by the studies. The guidelines must include requirements for extensive consultation by the entities performing the studies with officials of affected counties, cities, and towns and requirements for public hearings on the completed jurisdiction proposals resulting from the studies. The guidelines are not subject to the administrative procedure act and must be completed by July 30, 1985.

(b) To assist in formulating the guidelines, the commissioner shall appoint an advisory committee, to serve without compensation and to represent county, city, and town governments.

Subd. 3. **Studies commissioned.** (a) On and after August 1, 1985, the commissioner shall enter into agreements with regional development commissions by which the commissions will conduct studies of highway jurisdiction in each region. The studies must include:

- (1) the jurisdiction of each road in the region;
- (2) criteria for changes in jurisdiction, based on the commissioner's guidelines;
- (3) jurisdictional changes actually made since January 1, 1985;
- (4) recommended changes in jurisdiction based on the criteria;
- (5) changes in financial obligations resulting from the recommended jurisdictional change, based on the commissioner's guidelines;
- (6) estimated effects of the recommended jurisdictional changes on highway staffing needs of each level of government in the region; and
- (7) estimated effects of the recommended jurisdictional changes on law enforcement on the affected roads.

(b) In development regions where no regional development commission is functioning, or where a regional development commission declines to enter into an agreement to perform a jurisdiction study, the jurisdiction study must be organized by a district office of the department of transportation as designated by the commissioner. A district office so designated must act through the counties in the

development region and through other public agencies the commissioner directs. For purposes of this section the metropolitan council is a regional development commission.

(c) The agreements must provide that each entity undertaking a study under this subdivision must produce and present to the commissioner, not later than July 31, 1987, a jurisdiction proposal for the region. Each jurisdiction proposal must identify each instance where a proposed jurisdictional change is based on a factor that deviates from the commissioner's guidelines and explain the reasons for each deviation.

(d) The commissioner shall pay not more than two-thirds of the cost of each study.

Subd. 4. State jurisdiction plan. (a) Using the jurisdiction proposals presented under subdivision 3, the commissioner shall present, not later than March 1, 1988, to the legislature a statewide highway jurisdiction plan. The plan must include:

(1) a compilation of all highway jurisdictional changes actually made at all levels of government since January 1, 1985;

(2) all future jurisdictional changes recommended in the jurisdiction proposals and approved by the commissioner;

(3) recommendations for changes in the statutory trunk highway system needed to implement the recommended jurisdictional changes;

(4) a recommendation as to the feasibility or desirability of establishing a state jurisdictional transfer fund, including if this fund is recommended, recommendations on control over the fund, on amount of money made available to the fund, on highway costs to be included in transfer payments made from the fund, and on sources of revenue for the fund; and

(5) other statutory changes made necessary by the recommended jurisdictional changes.

The commissioner may recommend, as an alternative to the fund in clause (4), changes in the constitutional distribution of highway user tax revenues.

(b) No recommended jurisdictional change in the plan may require the upgrading of a road prior to a transfer as a prerequisite for the transfer unless the upgrading is agreed to by the affected units of government.

Subd. 5. Reports. The commissioner shall report to the chairs of the committees on transportation of the senate and of the house of representatives on the progress of activities under this section, on or before August 1, 1985, and at least once every six months thereafter, until February 1, 1988.

History: 1Sp1985 c 10 s 29

174.32 TRANSIT ASSISTANCE PROGRAM.

Subdivision 1. Establishment; purpose. A transit assistance program is established to provide transit assistance within the state from the fund created in subdivision 2 to eligible recipients for transit service activities as provided in this section.

Subd. 2. Transit assistance fund; distribution. A transit assistance fund is created for the purpose of receiving money distributed under section 297B.09. Eighty percent of the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. The regional transit board created by section 473.373 is responsible for

distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account.

Subd. 3. **Eligible recipients.** A legislatively established public transit commission; a public authority organized and existing under chapter 398A; a county or statutory or home rule charter city operating, intending to operate, or providing financial assistance to a transit service; a rail authority; or a private operator of public transit is eligible for assistance under the program. The National Railroad Passenger Corporation, known as Amtrak, and any trolley system outside the metropolitan area are not eligible for assistance under the program.

[For text of subds 4 and 5, see M.S.1984]

Subd. 6. **Investment of transit assistance fund.** For money deposited in the transit assistance fund on or after January 15, 1985, the commissioner of transportation shall certify to the state board of investment the amount of the transit assistance fund that in the judgment of the commissioner is not required for immediate use. The certified amount of the transit assistance fund not currently needed shall be invested by the state board of investment subject to section 11A.25. All investment income and all investment losses attributable to the investments must be credited to the transit assistance fund. The commissioner of finance is the custodian of securities purchased under this section.

History: 1Sp1985 c 10 s 78-81

174.51 MINNESOTA STATE TRANSPORTATION BONDS.

[For text of subds 1 to 5, see M.S.1984]

Subd. 6. On or before December 1 in each year, if the full amount appropriated to the bond account in subdivision 5 has not been credited thereto, the tax required by article XI of the Constitution shall be levied upon all taxable property within the state. This tax shall be subject to no limitation of rate or amount until all Minnesota state transportation bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is not sufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state transportation bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

History: 1Sp1985 c 14 art 4 s 29