

Delays the reconstruction of T. H. 62 (crosstown highway) for one year pending a report to the legislature

Restricts the authority of Minneapolis to make zoning determinations for the upper harbor of the Mississippi river

	ARTICLE 1 TRANSPORTATION APPROPRIATIONS		
<u>Section</u>		<u>FY02</u>	<u>FY03</u>
			(Dollars in thousands)
1	Total appropriation.	1,792,036	1,791,251
	General fund	96,042	85,158
	State airports fund	20,807	20,548
	County state-aid highway fund	405,330	418,113
	Highway user tax distribution fund	17,644	17,402
	Municipal state-aid street fund	106,469	109,827
	Special revenue fund	12,704	994
	Trunk highway fund	1,133,040	1,139,209
2	Transportation. Appropriations are from the trunk highway fund except where noted.		
	Subd. 1. Total appropriation.	1,600,025	1,614,622
	Summary by fund:		
	General fund	24,057	18,083
	State airports fund	20,757	20,498
	County state-aid highway fund	405,330	418,113
	Municipal state-aid street fund	106,469	109,827
	Trunk highway fund	1,043,412	1,048,101
	Subd. 2. Aeronautics	20,748	20,489
	Summary by fund:		
	State airports fund	20,687	20,428
	General fund	50	50
	Trunk highway	11	11
	(a) Airport development and assistance. Allows transfers of appropriation between fiscal years.	14,298	14,298
	(b) Aviation support	6,315	6,053
	Civil air patrol	65	65
	On-line aircraft registration	400	50
	GPS navigation systems. Specifies that \$350,000 each year is one-time.	600	600

	(c) Air transportation service	135	138
	Summary by fund:		
	General	50	50
	State airports	74	74
	Trunk highway	11	11
	Directs the department to seek federal waivers allowing the sale of a jet aircraft previously purchased from federal DEA.		
	Subd. 3. Greater Minnesota transit.	17,889	17,910
	Summary by fund:		
	General fund	17,549	17,562
	Trunk highway fund	340	348
	(a) Greater Minnesota transit assistance	17,051	17,051
	From the general fund. Allows carryover from the first to second year.		
	(b) Transit administration.	838	859
	Summary by fund:		
	General fund	498	511
	Trunk highway fund	340	348
	Subd. 4. Railroads and waterways.	3,758	1,804
	Summary by fund:		
	General fund	2,273	280
	Trunk highway fund	1,485	1,524
	Port development assistance, through the state ports development assistance program. From the general fund.	1,000	
	Transfer to the Minnesota rail service improvement fund from the general fund	1,000	
	Subd. 5. Motor carrier regulation.	4,024	4,123
	Summary by fund:		
	General fund	122	126
	Trunk highway fund	3,902	3,997
	Commercial vehicle information systems. Specifies that \$175,000 each year is one-time.	500	500
	Subd. 6. Local roads.	515,799	527,940
	Summary by fund:		
	County state-aid	405,330	418,113
	Municipal state-aid	106,469	109,827
	General	4,000	
	(a) County state-aids (from CSA fund)	405,330	418,113

	(b) Municipal state-aids (from MSA fund)	106,469	109,827
	Allows unanticipated revenue from highway user taxes to these funds to be added to the above appropriation.		
	(c) Local bridges From the general fund, for grants to political subdivisions for construction and reconstruction of key bridges. Allows grants to be used for matching federal aid, preliminary engineering and environmental studies, abandoning bridges that will not be replaced, and constructing streets or roads where more economical than replacing a bridge.	4,000	
	(d) Study of local road program Directs the commissioner to study alternative methods of establishing a local road improvement program to distribute appropriations for local road improvements other than through the county and municipal state-aid funds. Requires consultation with local government, local highway engineers, and highway users.		
	Subd. 7. State roads	979,255	990,557
	Summary by fund:		
	General fund	9	9
	Trunk highway fund	979,246	990,548
	(a) State road construction.	568,387	568,386
	Metro-area bottlenecks.	10,000	10,000
	Greater Minnesota interregional corridors	10,000	10,000
	Advantages to bus transit, for shoulder lanes, park-and-ride, and passenger waiting facilities. Prohibits use for LRT or commuter rail facilities, or buses on a commuter rail or LRT corridor.	1,000	1,000
	Requires annual report to major projects commission on status of bottleneck, interregional corridor, and transit advantage projects.		
	Advance acquisition of right-of-way prior to final design.	5,000	5,000
	Prohibits use of trunk highway funds to provide bus service to mitigate effects of trunk highway construction.		
	Prohibits the commissioner from canceling, or removing from the statewide transportation improvement project, the T. H. 36 bridge across the St. Croix river (Stillwater bridge).		
	(b) Debt service	19,235	24,228
	(c) Research and investment management.	12,287	12,211

	Planning grants to regional development commissions, joint powers boards in regions with no RDC, and MnDOT districts in regions with no RDC or joint-powers board, outside the Twin Cities metro area.	600	600
	Planning grants to metropolitan planning organizations outside the Twin Cities area.	266	266
	One-time appropriation for updated state transportation plan.	200	
	Transportation research contingent accounts, for research costs reimbursable from other sources.	75	75
	Study of opening high-occupancy vehicle lanes on I-394 to all vehicles. Requires contracting with independent consultant to study effects on traffic flow and congestion, highway safety, and impacts on other roadways. Prohibits any action that would result in loss of federal funds to the state or delay in federally-aided state or local projects. Requires a report to the legislature by February 1, 2002.	100	
	(d) Central engineering services	65,031	66,338
	(e) Design and construction engineering.	89,835	91,046
	Planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system	1,000	
	(f) State road operations	218,863	222,602
	Requires the department to retain all federal funds made available for hazard elimination for that purpose, and prohibits transfer of any part of these funds to another agency.		
	Improved highway striping	2,000	1,000
	(g) Electronic communications.	5,617	5,746
	Summary by fund:		
	General fund	9	9
	Trunk highway fund	5,608	5,737
	Lake of the Woods weather broadcasting, from the general fund.	9	9
	Subd. 8. General support.	50,836	51,799
	Summary by fund:		
	General fund	54	54
	State airports fund	70	70
	Trunk highway fund	50,712	51,673
	(a) General management	39,148	39,865

	Information systems technology infrastructure.	6,600	6,600
	(b) General services	11,688	11,934
	Summary by fund:		
	General fund	54	54
	State airports fund	70	70
	Trunk highway fund	11,564	11,808
	Subd. 9. Buildings	7,716	
	(a) Deer Lake truck station	550	
	(b) Dodge Center truck station	575	
	(c) Mankato site work	669	
	(d) Spring Lake Park truck station addition	385	
	(e) Training center remodeling	600	
	(f) Appleton shared maintenance facility	200	
	(g) Eagan driver exam station	900	
	(h) Rest areas	180	
	(i) Land acquisition	150	
	(j) Asbestos abatement	100	
	(k) Design fees	1,807	
	(l) Unheated storage buildings	600	
	(m) Salt sheds	1,000,000	
	Subd. 10. Transfers.		
	(a) Allows the commissioner, with finance department approval, to transfer unencumbered balances among appropriations from the trunk highway fund and state airports fund. Requires reports to legislative finance committees.		
	(b) Transfers 6,400,000 the first year and \$2,400,000 the second year from the flexible account in the county state-aid highway fund to the municipal turnback account. Provides that the remaining amounts in the flexible account (\$26,100,000 in 2002 and \$31,100,000 in 2003) remain in the county state-aid fund for county turnbacks and town roads and bridges.		
	Subd. 11. Contingent appropriations.		
	Allows MnDOT, with governor's approval after consultation with legislative advisory commission, to transfer unappropriated balances in the trunk highway fund for trunk highway construction, emergency maintenance, and tort and environmental claims.		
	Subd. 12. Previous appropriations		

	Allows money appropriated to the department in previous years for state road construction to be used in the 2002-03 biennium to the extent that it will be used on the construction project for which it was originally encumbered.		
3	Metropolitan council transit. From the general fund.	58,967	55,201
	Limits metro mobility to \$42,200,000 for the biennium, except for proceeds from bond sales.		
4	Public safety. Appropriations are from the general fund except where noted.		
	Subd. 1. Total appropriation.	118,916	120,425
	Summary by fund:		
	General fund	11,590	11,846
	Special revenue fund	979	994
	Trunk highway fund	88,828	90,308
	Highway user tax distribution fund	17,519	17,277
	Subd. 2. Administration.	13,167	13,361
	Summary by fund:		
	General fund	4,578	4,603
	Trunk highway fund	7,204	7,373
	Highway user tax distribution fund	1,385	1,385
	Prohibits transfer of any part of this appropriation.		
	(a) Office of communications	390	398
	Summary by fund:		
	General fund	20	20
	Trunk highway fund	370	378
	(b) Public safety support	7,901	7,991
	Summary by fund:		
	General fund	3,086	3,087
	Trunk highway fund	3,449	3,538
	Highway user tax distribution fund	1,366	1,366
	Payment of public safety officer survivor benefits. Allows transfers between fiscal years.	326	326
	Transfer to public safety officer's benefit account for health benefits	244	314
	Soft body armor reimbursements, to reimburse peace officers for part of the cost of purchasing soft body armor.	508	508
	Transfer from general fund to trunk highway fund,	1,800	1,800

	to reimburse trunk highway fund for public safety administrative expenses not related to trunk highways.		
	Transfer from highway user tax distribution fund to trunk highway fund, to reimburse trunk highway fund for HUTDF purposes in public safety administration.	610	610
	Transfer from highway user tax distribution fund to general fund, to reimburse general fund for costs related to criminal justice data network related to driver and vehicle services.	716	716
	(c) Technical support services	4,876	4,972
	Summary by fund:		
	General fund	1,472	1,496
	Trunk highway fund	3,385	3,457
	Highway user tax distribution fund	19	19
	Subd. 3. State patrol.	60,105	61,738
	Summary by fund:		
	General fund	3,154	3,247
	Trunk highway fund	56,859	58,399
	Highway user tax distribution fund	92	92
	(a) Patrolling highways	50,693	52,054
	Summary by fund:		
	General fund	37	37
	Trunk highway fund	50,564	51,925
	Highway user tax distribution fund	92	92
	Prohibits transfer of any part of this appropriation to another program or activity.		
	(b) Commercial vehicle enforcement, from the trunk highway fund. Prohibits transfer of any part of this appropriation to another program or activity.	6,295	6,474
	(c) Capitol security, from the general fund	3,117	3,210
	Prohibits (1)using money from trunk highway fund for capital security, and (2) permanent transfer of state troopers from patrolling highways to capital security.		
	Subd. 4. Driver and vehicle services.	44,348	44,008
	Summary by fund:		
	General fund	3,858	3,996
	Trunk highway fund	24,448	24,212
	Highway user tax distribution fund	16,042	15,800

	Prohibits transfer of any part of this appropriation to another program or activity.		
	(a) Vehicle registration and title	19,845	19,740
	Summary by fund:		
	General fund	3,803	3,940
	Highway user tax distribution fund	16,042	15,800
	License plate production unanticipated costs. From the highway user tax distribution fund. Expenditure requires approval by finance department and notice to legislative budget committees.	250	250
	Requires a study of effect on department costs and public safety of increased authorization and use of special license plates.		
	(b) Licensing drivers	24,503	24,268
	Summary by fund:		
	General fund	55	56
	Trunk highway fund	24,448	24,212
	Driver's license production unanticipated costs. From the trunk highway fund. Expenditure requires approval by finance department and notice to legislative budget committees.	400	400
	Subd. 5. Traffic safety. From the trunk highway fund	317	324
	Subd. 6. Pipeline safety. From the pipeline safety account in the special revenue fund.	979	994
5	General contingent accounts. Expenditure requires approval of the governor after consultation with legislative advisory commission.	375	375
	Summary by fund:		
	Trunk highway fund	200	200
	Highway user tax distribution fund	125	125
	State airports fund	50	50
6	Tort claims. To the commissioner of finance, from the trunk highway fund.	600	600

7 **FY 2001 appropriations; transfers.**

- (a) Transfers \$11,725,000 from the contingency account in the special revenue fund to the highway user tax distribution fund for fiscal 2002, to reimburse the fund for refunds of taxes on automobile registration renewals in June, 2000.
- (b) Appropriates \$875,000 from the highway user tax distribution fund to the commissioner of public safety for fiscal year 2001 for increased license plate production costs.
- (c) Appropriates \$445,000 from the trunk highway fund to the commissioner of public safety for

fiscal year 2001 for driver's license production costs.

(d) Transfers \$1,400,000 from the general fund to the transportation revolving loan fund for fiscal 2002.

- 8 **Office of pipeline safety assessments.** Provides that assessments by the office of pipeline safety to fund the appropriation in section 3, subdivision 6, are deemed approved for purposes of the law that requires legislative approval for departmental fee increases.
- 9 **Future budgets.** Provides that general fund appropriations in article 1 to each agency that are in excess of the agency's general fund budget base are one-time and may not be added to the agency's 2004-2005 budget base.
- 10 **District 1 budget.** Directs the department to reduce the construction budget in district 1 (Duluth district) for fiscal years 2003 through 2007 to make up for advances into the 2002-03 construction budget.
- 11 **Port of Minneapolis.** Prohibits Minneapolis from taking zoning actions that would force the closing or relocation of businesses on the upper harbor that are extensively dependent on commercial river transportation.
- 12 **Expenditures from town bridge account.** Expands eligibility of certain high-cost town bridge projects for money in the town bridge account (an account for town bridge replacement the comes from dedicated highway user taxes). Under present law there is a separate set of eligibility criteria for town bridges where the cost of approach work exceeds \$10,000 or the cost of replacement culverts exceeds \$20,000. Under this change the list is expanded to include bridges where engineering costs exceed \$10,000.
Limits eligibility for payment in such cases to engineering costs that exceed \$10,000, or all of the engineering costs if the town has a net tax capacity of under \$200,000.
- 13 **Twenty-year trailer registration.** Requires trailers with a registered gross weight of 3,000 lbs. or less to be registered for twenty years. Under present law such registration is for a two-year period.
Provides a registration tax of \$55 for such trailers when registered for the first time in Minnesota.
Provides that the tax for a currently-registered trailer is \$25 if the owner wishes to register it for twenty years. Provides that if the owner does not wish to register it immediately for twenty years, the tax is \$10 for a two-year period if renewal is made between July 1, 2001, and June 30, 2003. In the latter instance, the owner would be required to obtain twenty-year registration when the two-year registration expires, at a tax of \$20.
Provides that for trailers whose registration is not next renewed until after July 1, 2003, the registration is for twenty years at a tax of \$20.
- 14 **Greater Minnesota transit funding formulas.** Eliminates the separate funding category for the Duluth transit authority for purposes of determining maximum local share of total operating costs (50 percent). Specifies that total operating costs for DTA do not include costs related to the contract with Superior, WI, and the contract to provide school transportation in Duluth.
- 15 **Billing for highway marking costs.** Allows MnDOT to bill its own operating units and local road authorities for costs of a centrally managed pavement marking program. Creates a separate account in the trunk highway fund to receive payments. Makes a standing appropriation of money in the account to the department to pay costs for which billings are made.
- 16 **Gas tax attributable to snowmobiles.** Increases from .75 percent to 1 percent the amount of gasoline tax revenue presumed to be derived from snowmobiles. The revenue from this percentage is dedicated under present law to the snowmobile safety and enforcement account.

- 17 **Busway appropriation.** Cancels the \$19 million appropriation for fiscal 2001 made in the 2000 capital improvements bill to the metropolitan council for busway construction.

ARTICLE 2 TRANSPORTATION DEVELOPMENT

- 1 **Trunk highway bond proceeds.** Allows the department of transportation, before the proceeds of trunk highway bond sales are deposited in the trunk highway fund, to transfer money from the general fund to the trunk highway fund, or authorize spending from the trunk highway fund, up to the amount of the anticipated receipts. Requires return of money to the general fund or replacement in the trunk highway fund when the bond proceeds are received.
- 2 **Vehicles of gambling control board.** Allows gambling control board investigative staff vehicles to be unmarked.
- 3 **MnDOT tower fees.** Exempts revenues from leases made by the department of transportation with wireless service providers (for installing their equipment on state property) from the law that allocates revenue/ from leases for excess trunk highway property 70 percent to the trunk highway fund and 30 percent to counties.
This section is effective immediately.
- 747 **Electronic bids.** Allows advertisements for bids on state trunk highway projects by the department of transportation to be placed on the internet.
Allows the department to require that security furnished by bidders (bid, performance, or payment bonds) be furnished electronically.
Allows bids on trunk highway contracts to be submitted electronically. Allows records of bids to be posted on the internet after award of the contract.
- 8 **Advance funding for interregional corridor projects.** Allows local road authorities to make advances to the department to expedite development of an interregional transportation corridor, including costs of design, right-of-way, construction, and other related expenditures. Allows repayment by the department with interest, subject to be department's debt management policy limit or \$10 million, which ever is less.
This section is effective immediately.
- 9 **Transfer of trunk highway property to previous owner.** Amends the law authorizing MnDOT to transfer trunk highway real property back to the former owner, to specify that such a transfer is only with the consent of the former owner.
- 10 **County state-aid disaster account.** Increases from one to two percent the maximum percentage of total county state-aid highway apportionments that may accumulate in the county state-aid disaster account. The annual limitation on the disaster account of one percent of the county state-aid highway fund is not increased. The disaster account is reserved for aid to counties that incur hardship as a result of disasters affecting their county state-aid highways.
- 11 **Municipal state-aid disaster account.** Reduces from five to three percent the maximum percentage of total municipal state-aid street apportionments that may accumulate in the municipal state-aid disaster account. The annual limitation on the disaster account of two percent of the municipal state-aid street fund is not increased.
- 12 **Bridge upgrade assistance.** Authorizes local road authorities to provide financial assistance by contract to a railroad to expand or otherwise upgrade a bridge owned by the railroad over a street or highway. Limits the financial assistance to the costs of additional construction needed to upgrade the bridge to meet present or future needs.
Provides that this authority:
(1) does not authorize local financial assistance for commuter rail or light rail transit

(2) does not affect MnDOT's authority to order grade crossing separations and assign part of the cost to a local road authority

13 **Property purchased with highway bond proceeds.** Provides for sale and lease of real property bought with proceeds from trunk highway bonds.

Subd. 1. Definitions. Defines terms.

Subd. 2. Leases. Allows property bought with trunk highway bond proceeds to be leased in accordance with law and executive orders. Limits such leases, including renewals at the lessee's option, to a term substantially less than the useful life of the property, but allows renewal beyond that term if the department determines that the use and term are lawful.

Requires such a lease to be terminable by the department if the other party defaults. Requires a money received from such leases to be deposited in the trunk highway fund and used to pay, redeem, or defease outstanding trunk highway bonds.

Subd. 3. Sales. Prohibits sale of property bought with trunk highway bond proceeds unless the sale is lawful and approved by the commissioner of finance. Requires a money received from such sales to be deposited in the trunk highway fund and used to pay, redeem, or defease outstanding trunk highway bonds.

Subd. 4. Application. Provides that this section applies to all property bought with trunk highway bond proceeds unless otherwise provided by law.

14 **Gambling board vehicles.** Allows staff of the gambling control board to use unmarked state vehicles with ordinary license plates in investigations and reviews. Requires certification by the chair of the board to the effect that the vehicles will be used exclusively for official duties of the board.

15 **Cancellation of vehicle dealer license.** Requires notice to the dealer before a motor vehicle dealer's license may be canceled by the department of public safety. Makes a dealer's ceasing to operate at the licensed location grounds for cancellation.

16 **Filing fee.** Increases the filing fee for motor vehicle transactions from \$3.50 to \$4.50 for vehicle registration renewals, and to \$7 for other transactions (such as new vehicle registrations and vehicle title applications)

Allows vehicle dealers to retain \$2.50 of the filing fee for a completed sale of a vehicle by or to a dealer, if the dealer electronically transmits the transaction to the state or a deputy registrar.

17 **Electronic accident reports.** Allows reports of accidents submitted to the department by peace officers to be submitted electronically.

18 **Forms.** Allows the department to prepare electronic forms for accident reports.

19 **Use required.** Deletes requirement that all accident forms be made in writing.

20 **Use of reports.** Allows the department to furnish copies of a modified motor vehicle accident database (deleting names, driver's license numbers, plate numbers, addresses, and other individual identifying data) to private entities for not less than the cost of preparing the copies.

21 **Surge brakes.** Allows surge brakes on trailers and semitrailers.

22 **Contents of driver's license.** Deletes the requirement that a licensee's signature and date of birth be written on the license in pen and ink.

23 **Driver's license suspension for unpaid judgment.** Increases from \$25,000 to \$30,000 the minimum amount that must be paid on an unpaid court judgment for death or injury to one person in order to lift the driver's license suspension resulting from the unpaid judgment.

Increases from \$50,000 to \$60,000 the comparable threshold level for unpaid judgments for death or injury to two or more persons.

- 24 **Lights in transportation building.** Requires lights in the state transportation building to be turned off when no one is working, unless needed for security, safety, or energy efficiency.
- 25 **Light rail transit studies by MnDOT.** Prohibits the commissioner of transportation from spending state funds to study light rail transit unless the funds are appropriated in a law that identifies the route to be studied.
- 26 **High-speed rail studies.** Requires the commissioner of transportation to notify legislative budget chairs whenever the commissioner spends state funds to study high-speed intercity passenger rail service.
- 27 **Reports to major transportation projects commission.** Deletes the provision that requires that annual reports by MnDOT to the major transportation projects commission must include potential major projects only if they do not have a draft environmental impact statement.
- 28 **Definition of major transportation project.** Redefines "major transportation project" in the law establishing the major transportation projects commission, by deleting the criterion that a project have a total cost of more than \$5 million and substituting a criterion that a project cost more than 25 percent of its district's annual construction budget.
- **MnDOT tower leases.** Amends the law that authorizes the department to lease space on its
302930 communications towers to private wireless communications companies, and exchange space on its communications towers for space on those companies' towers. These sections make the following changes:
- Specifies that the lease authority is for the state's communication system, and provides that it is intended to facilitate the maintenance as well as construction of that system.
 - Prohibits the department from making agreements that allow exclusive use of towers.
 - Requires the department to publish annually a list of state-owned tower sites that are available for lease.
 - Allows reciprocal agreements with tower owners who are not commercial wireless service providers.
 - Broadens the permitted uses of lease revenues deposited in the trunk highway fund, to allow their use for developing and maintaining communications systems that serve state agencies. Under present law these revenues may only be used for the departments of transportation and public safety shares of these costs.
 - Specifies that the law is not to be construed to create a right to install private towers on trunk highway right-of-way.
- These sections are effective immediately.
- 31 **Commuter rail studies.** Prohibits the commissioner of transportation from spending state funds to study commuter rail unless the funds are appropriated in a law that identifies the route to be studied.
- 32 **Quiet zones.** Authorizes cities, counties, and towns to establish "quiet zones" in which the sounding of railroad horns, whistles, and other audible warnings is regulated or prohibited. Requires quiet zones to be at least one-half mile long. Requires quiet zone ordinances and regulations to conform to federal law and regulation.
- (Under recent rules of the federal railroad administration localities are allowed to regulate train whistles only if they establish quiet zones where all rail-highway grade crossings have protective measures, including crossing gates, that "fully compensate for the absence of the audible warning provided by the locomotive horn.")
- Allows cities and counties to spend county state-aid and municipal state-aid funds to buy, construct, and install grade crossing signals and barriers on county state-aid highways and

municipal state-aid streets to meet federal quiet zone requirements.

- 33 **Rail bank excess property.** Allows the department of transportation to lease rail right-of-way in the state rail bank to a public or private entity for nontransportation purposes when:
- (1) the right-of-way to be leased is more than what is needed for preserve the right-of-way for future public use,
 - (2) the lease will not reduce the useable width of the corridor in the rail bank to less than 50 feet,
 - (3) the cost of the lease is based on fair market value as appraised,
 - (4) the lease allows termination by the department on 90 days notice, and
 - (5) the lease prohibits any permanent structure with the 50 foot rail bank corridor and requires a permanent structure to be removed and the property restored to previous condition on 90 days notice.
- 34 **Motor vehicle sales tax revenue.** Dedicates 30.86 percent of motor vehicle sales tax revenue in fiscal year 2002 to the highway user tax distribution fund. The present dedication of 32 percent of this revenue to this fund for fiscal 2003 and beyond would remain in effect.
- 35 **Public safety survivor benefit eligibility.** Adds public safety department employees whose primary employment is enforcement of commercial vehicle laws and regulations to the list of public safety officers eligible under the public safety officer survivor benefits program. Specifies that first responders eligible under the program are certified by the emergency medical services regulatory board rather than the commissioner of health.
- 36 **Transportation revolving loan fund.** Makes changes in the law setting up the transportation revolving loan fund (TRLF).
- Subd. 1. Definitions.** Deletes references to separate trunk highway, county state-aid, and municipal state-aid revolving loan accounts in the TRLF..
- Subd. 2. Purpose.** Makes the same changes as in subdivision 1. Amends the purposes of the fund by allowing it to be used for projects not federally-aided.
- Subd. 3. Establishment of fund.** Specifies that the highway account in the TRLF is for projects eligible for federal aid under the highway chapter of the U. S. Code. Specifies that the transit account in the TRLF is for projects eligible for federal aid under the transportation chapter of the U. S. Code.
- Establishes a new "state funds general loan account" for projects eligible for funding under state law but not eligible for federal aid. Allows establishment of other accounts in the TRLF as necessary.
- Subd. 4. Management of fund.** Deletes references to the accounts deleted under subdivision 1 and adds references to unspecified individual accounts in the fund.
- Subd. 5. Transfer of money.** Repeals the law allowing the department of transportation to transfer money among the trunk highway revolving loan account and the state-aid revolving account.
- Subd. 6. Committee.** Makes a technical change.
- Subd. 7. Applications.** Makes the same changes as in subdivision 1.
- Subd. 8. Certification of projects.** Makes the same changes as in subdivision 1.
- Subd. 9. Loan conditions.** Makes the same changes as in subdivision 1. Requires the committee in the public facilities authority that decides on loans from the TRLF to comply with state as well as federal law.
- Subd. 10. Loans in anticipation of future apportionments.** Makes no change.

Subd. 11. City and county payments. Makes the same changes as in subdivision 1.

Subd. 12-14. No change.

This section is effective immediately.

37 **Recreational vehicles on highway right-of-way.** Adds to the list of claims from which local governments are immune from tort liability claims arising from the use of recreational motor vehicles (snowmobiles, ATVs, other off-road vehicles) on the right of way of any highway. Denies the exemption where the local government engages in conduct that would entitle a trespasser to damages against a private person.

This section would apply to county state-aid highways, other county highways, municipal state-aid streets, and town roads (including cartways).

38 **Transportation advisory board.** Directs the metropolitan council to establish a transportation advisory board with the following membership, to succeed the existing TAB board:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the pollution control agency or the commissioner's designee
- (3) one member of the metropolitan airports commission appointed by the commission
- (4) one person appointed by the commissioner of transportation to represent non-motorized transportation
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the commissioner of transportation to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, appointed by the association of metropolitan municipalities;
- (8) seven elected officials of counties, appointed by the association of Minnesota counties
- (9) eight citizens appointed by the council, one from each council precinct; and
- (10) one member of the council, appointed by the council.

Provides that the board elects its own chair.

Under current practice the local elected officials and chair are appointed by the council.

39 **Metropolitan council studies of commuter rail and LRT.** Prohibits the metropolitan council from spending state funds to study light rail transit or commuter rail unless the funds are appropriated in a law that identifies the route to be studied.

40 **LRT special service districts.** Provides for special service districts to pay light rail transit operating costs.

Subd. 1. Creation. Requires the council to establish a special service district to pay operating deficits for a light rail transit line. Prohibits the council from using federal congestion mitigation and air quality (CMAQ) funds to pay light rail operating costs.

Subd. 2. Area. Specifies that the special taxing district consists of all property within ½ mile of a light rail station. Excludes planned unit developments approved before January 1, 2000, and areas detached from a city and school district (MSP airport).

Subd. 3. Application. Makes existing law governing special service districts applicable to LRT special service district except as otherwise provided. Exempts the LRT special service district from the following provisions in general special service district law

428A.02, providing for the establishment of special service districts by cities.

428A.03, subdivision 1, requiring service charges in special service districts to be imposed at a rate sufficient to produce revenues required to provide special services

(governed under section 35, subdivision 1).

428A.06, authorizing issuance of bonds.

428A.08, requiring a petition signed by affected property owners in order to take action on a special service district.

428A.09, allowing owners of 35 percent of land area in the district or of 35 percent of the net tax capacity to veto a special service district.

428A.10, providing for exclusions from section 428A.09

Makes the section effective for property taxes levied in 2002, pay 2003, for FY 2004 LRT operating costs.

41 **Definitions.** Defines terms for the LRT special service district. Limits the land area of the district to class 3 (commercial/industrial) property. Makes the section effective for property taxes levied in 2002, pay 2003, for FY 2004 LRT operating costs.

42 **Authority to impose charges.** Provides for service charges in the LRT special service district.

Subd. 1. Service charges. Directs the council to impose service charges in the district equal to the estimated LRT operating deficit, plus carryover of a previous year's operating deficit.

Requires the service charge to be imposed as a uniform percentage of net tax capacity of the district.

Subd. 2. Other law. Makes section 428A.03, subdivision 1a to 3, apply to the special service district. These provisions deal with certification of net tax capacity, exemption of tax-exempt property from service charges, and exempting service charges from local levy limits.

Subd. 3. Collection of charges. Provides for collection of service charges in the LRT special service district in the same manner as provided in law for other special service districts.

Makes the section effective for property taxes levied in 2002, pay 2003, for FY 2004 LRT operating costs.

43 **Performance-based funding for transit operators.** Repeals the June 30, 2001, sunset date for the metropolitan council's demonstration program to establish percentage operating subsidies granted to recipients of transit operating assistance from the council Reduces the maximum percentage of total operating costs that recipients may be required to pay from 100 percent to 41.5 percent.

44 **Technical.** Makes a technical change in a 1999 appropriation of lease fees from MnDOT towers.

45 **Busway location.** Amends the FY 2001 appropriation of \$6.3 million to the metropolitan council for bus transit ways, by allowing study of busways in the northwest LRT corridor in Hennepin county, and that part of the southwest LRT corridor in Hennepin county between Hopkins and Minneapolis. Requires the study to consider alternative alignments including existing roads, highways, and transportation facilities.

Prohibits study of a busway in (1) that part of the southwest corridor located in Minnetonka, Eden Prairie, or Chanhassen, or (2) the Midtown greenway and Kenilworth corridors in Minneapolis.

46 **FY 2002 appropriation.** Cancels the 2000 tax bill's appropriation of \$161 million in fiscal year 2002 from the general fund to the highway user tax distribution fund. This cancellation will be made up by the FY 2002 dedication of 20.5 percent of motor vehicle sales tax revenue to that fund.

47 **Cass county tower.** Prohibits MnDOT from erecting a tower or other structure in Cass county with equipment relating to the global positioning system unless the Cass county board, and the governing body of the city or town in which the tower is located, have each adopted a resolution

approving the erection and location of the tower.

48 **Restriction on MnDOT and metropolitan council authority over highway projects and funds.** Prohibits the commissioner of transportation from refusing to program or construct a trunk highway project, or make any other decision concerning the location, design, or timing of such a project, on the grounds that the city or county in which the project is located:

(1) has enacted a zoning ordinance or determination not approved by the commissioner or metropolitan council, or failed to enact a zoning ordinance or determination requested by the commissioner or metropolitan council, or

(2) has failed to impose housing density requirements requested by the commissioner or metropolitan council.

Provides that these restrictions do not apply to local zoning ordinances or determinations that relate to trunk highway access.

Imposes similar restrictions with respect to the metropolitan council's authority to approve highway projects and distribute state and federal transportation funds.

49 **Hiawatha Avenue LRT costs.** Directs the commissioner of administration to report to the legislature in 2002 on the total costs attributable to the Hiawatha Avenue light rail transit project.

50 **T. H. 62/I-35W project delay.** Prohibits the department of transportation from constructing T. H. 62 (crosstown highway) between T. H. 100 and Portland Avenue South until June 1, 2002. Exempts contracts entered into before the effective date of the bill.

Requires the department to report to the legislature by January 15, 2002, on:

(1) present predicted traffic levels on T. H. 62 and other corridors that would be affected by the T. H. 62 project

(2) adequacy of present and reconstructed T. H. 62 to carry present and predicted traffic levels

(3) projected growth in economic development and population in the T. H. 62 corridor

(4) coordination of the T. H. 62 project with other projects in affected corridors

(5) alternative feasible designs for the project, including stacking of freeway lanes and tunneling

(6) availability of funding for the project and alternatives.

- **Constitutional amendment on motor vehicle sales tax revenues.** Proposes a constitutional amendment to require the legislature to dedicate at least 60 percent of revenue from the state's motor vehicle sales tax (MVET) to the highway user tax distribution fund.

- **Constitutional amendment on general obligation bonds for trunk highways.** Proposes a constitutional amendment to delete the requirement that state bonds sold for the establishment and maintenance of highways be subject to the limitations of article XIV of the Constitution.

545354 The effect of this change is to eliminate the requirement that any bonds sold for trunk highway improvements must be trunk highway bonds repayable from the trunk highway fund. This in turn would allow general obligation bonds to be sold for trunk highways.