



February 20, 2017

To Members of the Minnesota House Transportation and Regional Governance Policy Committee:

On behalf of our main street Minnesota businesses from across the state, we respectfully voice our support to H.F. 1244. This legislation allows for an appeal process if the Minnesota Department of Transportation (MnDOT) denies a driveway permit to your local business.

The challenge is while state law guarantees access from private property to a public road, a business owner is not guaranteed that their access will be either reasonable or convenient. MnDOT controls access to state right-of-way (ROW). Any new business requires an access permit from MnDOT to access state ROW from the business property. Additionally, MnDOT can rescind access to a property when the use of that property changes through redevelopment.

Courts grant MnDOT very broad discretion to determine when an access permit should be granted or denied given the absence of any clear standard to guide this decision. State law currently does not provide a means to effectively challenge MnDOT's decision to deny or revoke access. H.F. 1244 establishes an appeals process for local businesses on MnDOT's denial of access. This provides protection for business owners who need convenient access to serve their customers.

Minnesota businesses, especially consumer oriented businesses, need convenient access to serve their customers. Consumers demand convenience, and their behavior is substantially impacted by access. The success of a business hinges on direct access to the primary road that fronts the business property. This legislation creates checks and balances to ensure a stronger partnership with MnDOT to meet the evolving needs of our communities.

Thank you for your consideration of this legislation and we urge committee members to support their main street Minnesota businesses.

Sincerely,

Jamie Pfuhl
Minnesota Grocers Association

Bentley Graves
Minnesota Chamber of Commerce

Kevin Thoma
Minnesota Petroleum Marketers Association

Dan McElroy
Minnesota Restaurant Association, Minnesota Resort and Campground Association, Minnesota Lodging Association

Mike Hickey
National Federation of Independent Business

Scott Lambert
Minnesota Automobile Dealers Association

Lance Klatt
Minnesota Service Station and Convenience Store Association