



CITY ENGINEERS ASSOCIATION OF MINNESOTA

Engineering Our Cities' Futures

March 6, 2023

Representative Michael Howard
Chair – House Housing Finance and Policy Committee

RE: Comments on HF 2235

Chair Howard and Committee Members:

On behalf of the City Engineers Association of Minnesota (CEAM) thank you for the opportunity to share the following comments on HF 2235.

CEAM has many concerns about the details of this bill and the significant limits it places on local authority and control as it pertains to land use policies and geometric design. We have specific comments on the proposed impact fee provision and restrictions on right-of-way width and implied restrictions on street width and design.

In regards to Article 1, Impact Fees, CEAM is very grateful that the author is proposing additional tools to fund needed improvements to the transportation system in response to new development and redevelopment. However, we have some concerns about the requirements of the process to implement the impact fee.

We specifically have concerns related to lines 4.1-4.4 which requires the establishment of an advisory committee “to assist in the development of the ordinance.” If members of the properties subject to the proposed impact fee intentionally choose not to participate in this committee how does that effect the legality of the impact fee and ordinance? Could the property owners, based on this wording, challenge the ordinance and resulting impact fee because the advisory committee never met? CEAM feels that requiring a public hearing process with opportunities for appeal would be a better overall method of obtaining public input.

CEAM asks that Section 6c (lines 3.13-3.24) be amended to add language granting the governing body the ability to reclaim costs related to the administration of setting and collecting payments over time for the charged impact fee.

As written, this impact fee statute only helps government agencies fund improvements that are constructed within a shorter time period from the construction of the impacting development; likely 1-5 years. Any improvements constructed beyond that would not likely benefit from this statute given the provisions for when the district can be formed and when unspent money needs to be returned to a property owner. For large scale improvements such as an interchange, or major roadway expansion that are needed because of compounding developments in an area, it will be difficult for a government agency to use this statute to collect monies towards the cost of the major improvements. Therefore, there is still a gap in funding mechanisms that allow cities and counties to fund larger scale improvements.

In regards in Article 5, Municipal Dedication Fees, CEAM has the following comments. Lines 16.14 through 16.22 introduces clauses which restrict required dedication of land for streets and other public uses within a right-of-way to minimum widths as detailed in State Aid standards in the case of Municipal State Aid Streets, and “to the amount of land required to construct the street with a curb-to-curb width of 32 feet and associated utilities and sidewalks...” for local streets.

CEAM has many concerns about these provisions. First and foremost, the clauses seem to require an urban section for every new municipal street. By limiting a right-of-way width to the MINIMUM width for an urban roadway and/or a width to support a street with “a curb-to-curb width of 32 feet...” this would restrict a city from being able to require width for required ditch sections in the event of a rural roadway section or other stormwater management needs that may be required even in urban and suburban areas.

There has been much work over the past several years to allow cities to use narrower lane widths and other reduced standards to better fit the overall context of a roadway. However, there are areas where larger widths are needed. For this reason, the table within the State Aid Rules that sets the minimum dimensions for lanes, parking and other factors includes this footnote:

“Engineering judgment may be used to choose a lane-width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors”

Removing the opportunity to use engineering judgement in the required width of a roadway, and the necessary right-of-way width, could and will create issues where larger vehicles are used, steep terrain exists or greater width is desired to accommodate non-motorized uses.

These clauses specifically limit the amount of land a city can require a developer to dedicate for right-of-way. That right-of-way width not only supports the roadway itself, but also sidewalks and trails, lighting, boulevard space, landscaping, signage, traffic signals, as well as a multitude of public and private utilities which includes poles, transformers, and boxes above ground as well as pipes and cables underground. Many of these utilities have minimum depth and separation requirements which can make the necessary width of a right-of-way corridor wider than the standard 60 foot width in an urban area. By limiting the right-of-way width to only what’s known today for required utilities and facilities and other multi-modal users, this bill will put cities in the position of possibly having to buy additional right-of-way in the future to support new utilities and/or facilities or uses that weren’t originally installed with the roadway.

The right-of-way area also provides space for snow storage. This winter season is a prime example of a situation where snow storage has decreased the effective width of our local streets to the point where emergency vehicles and service vehicles, such as garbage and recycling trucks, are having a difficult time navigating the local streets. Removing the option for cities to require wider streets in certain areas could compound this issue in the future.

The proposed bill also does not recognize the difference between roadway needs in urban and suburban areas to that of outstate and rural communities and why local control over planning and zoning issues as well as roadway design should best be left to each individual community to determine what their needs are rather than an all encompassing set of rules for the entire state.

In conclusion, Cities must retain authority to apply engineering judgement to roadway and right-of-way needs. This will ensure that existing and future land use, zoning and transportation networks are compatible, and make certain that planned and expected growth is well-managed and consistent with community visions and goals while also maintaining and improving an integrated multi-modal transportation network. Do not preclude Cities from making local decisions in the best interests of residents and businesses.

While we understand Representative Elkins's desire to limit the cost to developers in order to control the price of new housing, we are very concerned about placing these all-encompassing, very specific limits on the right-of-way width while only considering street width factors in that determination. We ask that the committee consider these concerns and we ask that Representative Elkins continue to work with the municipal engineering and planning community to try to find language that might provide some control over the right-of-way width without limiting all cities across the state to the minimum values currently under consideration.

Thank you for the opportunity to share CEAM's comments and concerns on this bill. We appreciate your consideration.

Sincerely,

City Engineers Association of Minnesota Executive Committee

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