

House Research Act Summary

CHAPTER: 191

SESSION: 2001 Regular Session

TOPIC: Local Consent for State Highway Projects

Date: May 23, 2001

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Overview

This act provides a new method for resolving disputes between the department of transportation and cities over trunk highway projects located in cities. It provides for appeal boards to hear appeals by the department of local disapproval of a trunk highway project that alters access, adds or reduces highway capacity, or requires new right-of-way.

On interstate highways the appeal board's recommendation for approval with modification or disapproval of the project's final layout is advisory, and the department is allowed to proceed with the project after notifying the city of its intent. On other highways, if the appeal board disapproves the plan, or approves it with modifications, the department must either modify the plans or submit a new plan to the city to start the approval process over.

Section

- 1 **Technical.** Makes a technical change in the toll road law to reflect changes in the remainder of the bill.
- 2 **Technical.** Makes a technical change in the law governing I-35E to reflect changes in the remainder of the bill.
- 3 **Definitions.** Defines terms. Specifies the elements included in "final layout."
- 4 **Highway project review.** Specifies and limits the application of sections 5 to 8.
 - Subd. 1. Application.** Provides that the bill applies to projects that alter access, change highway capacity, or require permanent right-of-way acquisition.
 - Subd. 2. Traffic safety measures not affected.** Provides that the bill does not limit MnDOT's authority to install traffic control devices and other safety measures on trunk highways in cities.
 - Subd. 3. Construction program.** Provides that the bill does not limit MnDOT's discretion to determine priority and programming of trunk highway projects.

5 **Plan approval process.** Provides for approval of trunk highway plans by cities.

Subd. 1. Submission of final layout. Requires the department, before proceeding with a construction, reconstruction, or improvement project on a trunk highway within the city, to submit final layout for the location and proposed design of the project to the city. Requires final layout to be submitted before final decisions are reached, to insure meaningful early input from the city.

Subd. 2. Governing body action. Requires the governing body of the city to hold a hearing on the final layout within 60 days of receiving it from the department. Allows the department to proceed with the project if the city approves the plans, or fails to disapprove them within 90 days of the hearing. Requires re-submission of the plans if the final construction plans contain changes in access, traffic capacity, or right-of-way acquisition compared to the submitted plans.

Provides that if the city disapproves the final layout, the department may make changes requested by the city, abandon the project, or refer the final layout to an appeal board.

Provides that the appeal board consists of one member appointed by the city, one member appointed by the department, and a third member appointed by the other two.

Provides that the third member must be appointed by the chief justice if the two members cannot agree on a third.

Subd. 3. Appeal board. Requires the appeal board to hear an appeal by the department within 30 days of referral to the board. Requires the appeal board to hold a hearing at which both the department and the city present their case. Requires the appeal board, within 60 days of the hearing, to recommend approval, disapproval, or approval with modifications.

6 **Further procedures on interstate highways.** Provides for procedures after the appeal board's action, for interstate highways.

Subd. 1. Applicability. Provides that the section applies to interstate highways.

Subd. 2. Action on approved plans. Allows the department to proceed with final layout that is approved by the appeal board, or deemed approved as a result of the appeal board's failure to submit recommendations within 60 days of the hearing.

Provides that if the final construction plans have changes in access or traffic capacity, or require additional right-of-way, the department must re-submit that portion of the final construction plans that show the changes to the city for approval or disapproval.

Subd. 3. Action on final layout approved with modifications. Allows the department, if the appeal board recommends approval of final layout with modifications, to (1) prepare final construction plans with the modifications, notify the city, and proceed with the project, (2) decide not to proceed with the project, or (3) prepare final construction plans similar to those submitted by the department to the appeal board and proceed with the project, after submitting a written report to the city and appeal board stating its reasons for proceeding.

Makes the same provision for changes in final plans as is provided in subdivision 2.

Subd. 4. Action on disapproved final layout. Allows the department, if the appeal board recommends disapproval of final layout, to (1) decide not to proceed with the project, or (2) prepare final construction plans similar to those submitted by the department to the appeal board and proceed with the project, after submitting a written report to the city and appeal board stating its reasons for proceeding.

Makes the same provision for changes in final plans as is provided in subdivision 2.

Subd. 5. Final construction plans issued. Requires the department to send a complete set of final construction plans to the city at least 45 days before bids for the project contract are opened.

- 7 **Further procedures on non-interstate highways.** Provides for procedures after the appeal board's action, for non-interstate highways.
- Subd. 1. Applicability.** Provides that the section applies to trunk highways that are not on the interstate system.
- Subd. 2. Action on approved final layout.** Allows the department to proceed with final layout that is approved by the appeal board, or deemed approved as a result of the appeal board's failure to submit recommendations within 60 days of the hearing.
- Provides that if the final construction plans have changes in access or traffic capacity, or require additional right-of-way, the department must re-submit that portion of the final construction plans that show the changes to the city for approval or disapproval.
- Subd. 3. Action on final layout approved with modifications.** Allows the department, if the appeal board recommends approval of plans with modifications, to (1) prepare final construction plans with the modifications, notify the city, and proceed with the project, (2) decide not to proceed with the project, or (3) prepare a new final layout and submit it to the city for approval or disapproval.
- Makes the same provision for changes in final plans as is provided in subdivision 2.
- Subd. 4. Action on disapproved final layout.** Allows the department, if the appeal board recommends disapproval of final layout, to (1) decide not to proceed with the project, or (2) prepare a new final layout and submit it to the city for approval or disapproval.
- Makes the same provision for changes in final plans as is provided in subdivision 2.
- Subd. 5. Final construction plans issued.** Requires the department to send a complete set of final plans to the city at least 45 days before bids for the project contract are opened.
- 8 **Reimbursement of expenses.** Allows payment of expenses of the appeal board.
- 9 **Repealer.** Repeals existing law that provides for local consent to trunk highway projects.
- 10 **Effective date.** Makes all sections effective immediately, applying to projects for which municipal approval is sought after the effective date.