

House Research Act Summary

CHAPTER: 364

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TOPIC: Omnibus Transportation Housekeeping Bill

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Overview

This bill contains various provisions relating to the department of transportation and other road authorities, including greater flexibility in departmental audits and inspections of motor carriers, and incorporation by reference of federal regulations on commercial vehicle driver drug and alcohol testing. Several provisions allow greater weight tolerances for vehicles carrying timber and limit requirements for unloading and inspection of commercial vehicles.

Other provisions include:

- restrictions on idling of diesel school buses
- promotion of road de-icers made from agricultural products
- expansion of authorization for buses to use freeway shoulders
- expanded authority of the department of public safety to cancel school bus endorsements on driver's licenses
- requiring MnDOT to retain the St. Croix bridge project in its plans
- allowing a settlement in a court dispute over restrictions on the flow of camp coldwater spring to override the 2001 law protecting the flow

- 1 **Relocation expenses.** Deletes the provision that allows authorities that acquire real property to consider reimbursing relocation expenses of displaced businesses up to \$50,000.
- 2 **Idling of school buses.** Requires operators of diesel school buses to minimize to the extent practical the idling of school bus engines and exposure of children to diesel fumes. Beginning July 1, 2003, requires such buses to be parked and loaded far enough from school aid intake systems to avoid diesel fumes from being drawn into the air system, unless the school board determines that another location would block traffic, impair safety, or not be cost-effective.
- 3 **Final layout of plans for local approval.** Amends the law defining what must be included in a

final layout submitted to a city for approval before a trunk highway project may be constructed in the city. Under this change the route's proposed design speed would be included in the final layout.

- 4 **Ag-based de-icers.** Directs the department of transportation to use a corn-derived de-icing solution for snow and ice control on trunk highways, to the extent that its use is economically feasible, environmentally beneficial, and consistent with safety.

Directs the department, in determining what snow and ice control materials to use on trunk highways, to consider the effect of each type of material on the environment and on deterioration of bridges and other structures.

- 5 **Advance acquisition of real property.** Allows MnDOT to acquire, by purchase, gift, or condemnation, real property necessary in preserving future trunk highway corridors.

- 6 **Advance funding of highway projects.** Specifies that amounts that may be advanced by local road authorities to the department of transportation to expedite construction of a trunk highway may not exceed the following annual repayment limits:

interregional corridor projects, \$10 million

metro-area bottleneck projects, \$10 million

All other trunk highway projects, \$10 million

Repeals the present restriction of \$10 million for all types of trunk highway projects. Under the repealer elsewhere in this bill, the separate \$10 million limit for interregional corridor projects is also repealed.

Deletes the requirement that repayment be without interest, and provides for calculation of interest based on the interest rate earned on state cash.

- 7 **Farm truck definition.** Amends the definition of "farm truck" in vehicle registration law. Under present law a vehicle registered as a farm truck may only transport the farmer's own products and property, with limited authorization to also transport for hire when the transportation is the first haul of the load. This section expands the for-hire authorization to transport forest products by expanding "first haul" to include transportation which is continued by another farm truck to a place of final processing or manufacture within 200 miles of the place of production.

- 8 **Gross weight tolerance.** Allows vehicles transporting unfinished forest products may exceed the registered gross weight of the vehicle by up to 5 percent without penalty. Under general law this tolerance is 4 percent or 1,000 pounds, whichever is greater.

Amends the first-haul language for forest products in this section by allowing it to be noncontinuous transportation up to 200 miles to the point of final processing or manufacture.

- 9 **USDOT vehicle numbers.** Requires owners of trucks or truck tractors with a gross vehicle weight of over 10,000 lbs., excluding farm trucks, to report their United States Department of Transportation carrier numbers at the time the vehicles are registered. Makes failure to report grounds for suspension of registration.

- 10 **Use of shoulders by buses.** Provides that if the department of transportation allows transit buses to use the shoulders of freeways and expressways, the department must allow the use of the shoulder by all buses with a capacity of more than 40 persons operated in intrastate commerce by a motor carrier of passengers, if the buses are registered with the department.

Allows such buses to be driven on the shoulder only when main line traffic speeds are below 35 m.p.h., and allows them to exceed main line speeds by not more than 15 m.p.h. and never be driven faster than 35 m.p.h. Requires them to yield to merging, entering, and exiting traffic and yield to other vehicles on the shoulder.

- 11-12 **Inspections of commercial vehicles.** Prohibits state troopers from making a spot inspection of a

commercial vehicle if the trooper does not have probable cause for the inspection and the vehicle has been inspected in Minnesota within the past 90 days. If the vehicle has been inspected within the past 90 days but the trooper has probable cause for the inspection, the inspection must be limited to confirming probable cause unless the vehicle is taken into custody after arrest.

13 **Northern zone.** Redefines the zone in which gross vehicle and axle weights may be exceeded by up to 10 percent, to include the entire city of Duluth.

14 **Weighing of commercial vehicles.** Limits the authority of peace officers to require that a vehicle be driven to a scale for weighing by allowing such a direction to a commercial vehicle only if no more than two other commercial vehicles are waiting to be weighed at the scale.

15 **Required unloading.** Amends the law that allows peace officers to require overloaded trucks to unload in order to bring their weight down. Under present law the vehicle can be required to unload to bring the weight down to the limit allowed under gross vehicle and gross axle weight laws. Under this law the unloading would be to bring the vehicle down to the registered gross weight if the registered gross weight violation is the lesser violation.

Exempts from the unloading requirements a vehicle on which the gross weight does not exceed the registered gross weight plus the five percent tolerances in section 2.

16 **First-haul definition.** Amends the definition of "first haul" in the "relevant evidence law" by incorporating the changes in section 2 (allowing a first haul of forest products to be noncontinuous and within 200 miles of the place of production). Under present law the first haul is limited to continuous transportation up to 50 miles from place of production.

The relevant-evidence law authorizes the use of weight tickets as evidence of gross weight and axle weight violations. First hauls of farm and forest products are exempt if the weight violation is by not more than ten percent.

17 **Permit fees.** Provides that the schedule of weight and distance-based fees (in addition to the \$15 single-trip permit fee or \$60 annual permit fee) for permits that allow overweight vehicles to be operated on public highways applies only when the vehicle exceeds the five percent tolerance in section 2. Specifies that the additional fee is for all weight, including the tolerance, in excess of the maximum axle weight.

Authorizes issuance of annual permits for noncommercial transportation of oversize boat trailers.

18 **Parking of motorcycles.** Requires motorcycles parked in a marked parking space on a roadway to be parked entirely within that space. Requires motorcycles parked in parallel parking to be parked facing outward to allow the operator to see traffic and merge safely.

19 **Disqualifying offenses for school bus endorsement.** Allows the department of public safety to cancel a school bus endorsement on a driver's license if the licensee has been convicted of a series of law violations, or a single gross misdemeanor, that the department determines evidences a risk to public safety. Requires notice to the licensee before cancellation.

20 **Motor carrier inspections and audits.** Allows the department of transportation to reduce the number of vehicle inspections and record audits of a motor carrier if the department has sufficient information from federal and state safety data about the carrier's operations to determine that the carrier has an effective safety management program. Under present law a carrier must be audited and inspected annually.

Allows an inspection by an inspector certified by the department of public safety to satisfy the requirement for annual inspection of a carrier's vehicles for MnDOT carrier registration.

21 **Federal waiver for motor carrier drivers.** Provides that a state motor carrier driver qualification waiver is not required for Minnesota intrastate commerce if a driver holds a valid federal interstate waiver from driver physical qualifications.

- 22-23 **Shipper registration exemption.** Provides that a carrier registered with MnDOT as a hazardous materials carrier who only offers designated hazardous materials for shipment only in the carriers own vehicles and does not offer hazardous materials to other carriers is not required to also register with MnDOT as a shipper of hazardous materials.
- 24 **Enforcement of federal regulations on drug and alcohol testing.** Gives MnDOT transportation program specialists and hazardous material program specialists peace officer authority to enforce federal regulations on commercial vehicle drug and alcohol testing.
- 25 **Drug and alcohol testing records.** Includes federal commercial vehicle drug and alcohol testing regulations in the list of federal regulations for which records and other papers must be kept and made available for inspection.
- 26 **Motor carrier regulation compliance.** Includes federal regulations on commercial vehicle drug and alcohol testing and financial responsibility in the list of federal regulations with which interstate carriers and private carriers in interstate commerce must comply.
- 27 **Hangar construction revolving account.** Increases from \$4.1 million to \$4.4 million the amount that the commissioner of transportation may transfer from the state airports fund to the hangar construction revolving account (an account that may pay up to 80 percent of the cost of building hangars at local airports).
- 28 **District 1 construction budget.** Reduces from \$35 million to \$24.7 million the amount by which the MnDOT district 1 (Duluth) trunk highway construction program must be reduced over the period 2003-2007 to repay advances to this budget in 2001 and 2002. Specifies that the reduction must be made at approximately \$5 million per year until full repayment is made.
- 29 **Municipal state-aid eligibility.** Repeals the June 30, 2004, sunset on the eligibility of cities for the municipal state-aid system that previously were over 5,000 population but had a population of between 4,900 and 5,000 in the 2000 census.
- 30 **Contract moratorium exemption.** Exempts from the moratorium in the 2002 budget reconciliation law on consultant contracts paid entirely from dedicated transportation funds and contracts for trunk highway projects that are bottleneck reductions, interregional corridors, or advantages to transit.
- 31 **St. Croix bridge.** Prohibits MnDOT from cancelling, or deleting from the statewide transportation improvement program, the St. Croix bridge project on T. H. 36.
- 32 **Pedestrian signal on T. H. 169 in Anoka.** Requires MnDOT, as part of the reconstruction of T. H. 169 (Ferry Street) in Anoka, to prepare a new signal agreement for the new pedestrian signal between Benton Street and Fremont Street. Requires installation costs of the new signal to be paid by the city.
- Allows the department to annually review the installation of the signal at the east frontage road. Requires the new signal described in the above paragraph to be designated as the priority signal, and allows the east frontage road signal to be removed if the department determines that signal is detrimental to the safety and functionality of the highway.
- 33 **Flow of camp coldwater spring.** Provides that a stipulation agreement entered into between MnDOT and the Minnehaha creek watershed district resolving litigation over restriction on the flow of camp coldwater spring from construction of T. H. 55 supersedes the 2001 law that prohibits any state or local action to restrict that flow. This section is effective immediately.
- 34 **Interregional corridor designation.** Requires the department of transportation to designate high priority interregional corridors that connect regional trade and population centers within the state to Canadian provinces and serve as trade and tourism routes between the state and Canadian provinces.
- 35 **T. H. 55 corridor demonstration project.** Directs the department of transportation, in

cooperation with the T. H. 55 joint powers board, to establish a corridor protection demonstration project on T. H. 55 from I-494 to Annandale. Allows MnDOT to make a grant to the joint powers board for a consultant to study future right-of-way needs, develop an official corridor map, assist municipalities to make plan amendments, and educate municipalities in corridor protection. Requires a report to the legislature by January 15, 2004.

36 **Exemption from matching requirement.** Exempts from the law that requires local match for state airport assistance grants made from federal money received under the 2001 federal aviation and transportation security act.

37 **T. H. 101 bikeway.** Requires the department of transportation to issue a permit to Chanhassen to build a bikeway on the west side of the right-of-way of T. H. 101 from T. H. 62 to West 78th Street. Requires the permit to be issued within 30 days of enactment.

Requires the permit to allow the bikeway to be paved, six feet in width, and allow two-way bicycle travel and use as a pedestrian walkway, notwithstanding DNR rules on the width of bikeways. Requires the path to be built within MnDOT design standards and utilize existing right-of-way to the extent possible, with minimum impact on adjacent properties and mature trees.

Requires the department to repair, restore, or reconstruct the parkway if made necessary by reconstruction of T. H. 101 in conjunction with its turnback to local jurisdiction..

38 **Northern zone load restriction study.** Directs the department of transportation to study seasonal load restrictions and seasonal load increases in the northern zone of the state, and make recommendations on establishing one or more new areas in the northern part of the state. Requires a report to legislative transportation policy committees by December 15, 2002.

39 **Technical advisory group.** Creates a technical advisory group from MnDOT, DNR, PCA, and the board of soil and water resources, to evaluate streamlining the process of environmental review for transportation projects. Requires a report to legislative committees by January 15, 2003.

40 **Brainerd lakes rest area.** Allows MnDOT to enter into an agreement with Crow Wing county, the DNR, and the Brainerd lakes area chamber of commerce to allow regional travel information and services at the rest area on T. H. 371 between Brainerd and Little Falls. Allows the chamber to be a tenant in the building.

41 **Repealer.** Repeals the law that adopts by reference federal regulations on commercial vehicle drug and alcohol testing.

Repeals the 2001 law authorizing local advances to the department of transportation to expedite interregional corridor trunk highway projects. with a \$10 million annual limit on department repayments.