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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 1159

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The bill was read for the first time and referred to the Transportation Finance Division

A bill for an act

relating to metropolitan area transportation; modifying the membership of the Transportation Advisory Board; modifying provisions related to a periodic evaluation of the metropolitan area's transportation system; modifying and clarifying provisions related to the provision of special transportation service; repealing an obsolete provision; providing penalties; amending Minnesota Statutes 2006, sections 473.146, subdivision 4; 473.1466; 473.386, subdivisions 1, 2, 2a, 3; repealing Minnesota Statutes 2006, section 473.1465.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 473.146, subdivision 4, is amended to read:

Subd. 4. **Transportation planning.** (a) The Metropolitan Council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities.

(b) The council shall establish an advisory body consisting of citizens and representatives of municipalities, counties, and state agencies in fulfillment of the planning responsibilities of the council. The membership of the advisory body must consist of:

- (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 council to represent nonmotorized transportation;

2.1 (5) one person appointed by the commissioner of transportation to represent the
2.2 freight transportation industry;

2.3 (6) two persons appointed by the council to represent public transit;

2.4 (7) ten elected officials of cities within the metropolitan area, including one
2.5 representative from each first-class city, appointed by the association of metropolitan
2.6 municipalities;

2.7 (8) one member of the county board of each county in the seven-county metropolitan
2.8 area, appointed by the respective county boards;

2.9 (9) eight citizens appointed by the council, one from each council precinct; ~~and~~

2.10 (10) one member of the council, appointed by the council; and

2.11 (11) one resident of the metropolitan area appointed by the council to represent the
2.12 metropolitan area as a whole, who shall serve as chair of the advisory body.

2.13 ~~The council shall appoint a chair from among the members of the advisory body.~~

2.14 Sec. 2. Minnesota Statutes 2006, section 473.1466, is amended to read:

2.15 **473.1466 TRANSPORTATION SYSTEM PERFORMANCE AUDIT;**
2.16 **TRANSIT EVALUATION.**

2.17 ~~(a) In 1997 and every four years thereafter, the council shall provide for an~~
2.18 ~~independent entity selected through a request for proposal process conducted nationwide~~
2.19 ~~to do~~ Prior to each major revision of the transportation policy plan, the council must carry
2.20 out a performance ~~audit~~ evaluation of the ~~commuting~~ metropolitan area's transportation
2.21 system as a whole. The performance ~~audit~~ evaluation must evaluate the ~~commuting~~
2.22 area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of
2.23 goods and people; ~~and~~ evaluate future trends and their impacts on the ~~region's~~ area's
2.24 transportation system; ~~and~~. The council shall use the results of the performance evaluation
2.25 to make recommendations for improving the system in each revision of the transportation
2.26 policy plan. The performance ~~audit~~ must recommend performance ~~funding~~ measures:

2.27 ~~(b) In 1999 and every four years thereafter, the council must evaluate the~~
2.28 ~~performance of the metropolitan transit system's operation in relationship to the regional~~
2.29 ~~transit performance standards developed by the council:~~

2.30 Sec. 3. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

2.31 Subdivision 1. **Service objectives.** The council shall implement a special
2.32 transportation service, as defined in section 174.29, in the metropolitan area. The service
2.33 has the following objectives:

3.1 (a) to provide greater access to transportation for the elderly, people with disabilities,
3.2 and others with special transportation needs in the metropolitan area;

3.3 (b) to develop an integrated system of special transportation service providing
3.4 transportation tailored to meet special individual needs in the most cost-efficient manner;
3.5 and

3.6 (c) to use existing public, private, and private nonprofit providers of service
3.7 ~~wherever possible~~ when feasible and cost-efficient, to supplement rather than replace
3.8 existing service, and to increase the productivity of all special transportation vehicles
3.9 available in the area.

3.10 Sec. 4. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

3.11 Subd. 2. **Service contracts; management; transportation accessibility advisory**
3.12 **committee.** (a) The council may contract for services necessary for the provision of
3.13 special transportation. Transportation service provided under a contract must specify the
3.14 service to be provided, the standards that must be met, and the rates for operating and
3.15 providing special transportation services.

3.16 (b) The council shall establish management policies for the service and may contract
3.17 with a service administrator for day-to-day administration and management of the service.
3.18 Any contract must delegate to the service administrator clear authority to administer and
3.19 manage the delivery of the service pursuant to council management policies and must
3.20 establish performance and compliance standards for the service administrator. The council
3.21 may provide directly day to day administration and management of the service and may
3.22 own or lease vehicles used to provide the service.

3.23 (c) The council shall ensure that the service administrator establishes a system for
3.24 registering and expeditiously responding to complaints by users, informing users of how
3.25 to register complaints, and requiring providers to report on incidents that impair the safety
3.26 and well-being of users or the quality of the service.

3.27 (d) The council shall annually report to the commissioner of transportation and the
3.28 legislature on complaints and provider reports, the response of the service administrator,
3.29 and steps taken by the council and the service administrator to identify causes and provide
3.30 remedies to recurring problems on its special transportation services as part of the program
3.31 evaluation provided for in section 473.13, subdivision 1a.

3.32 ~~(d) Each year before renewing contracts with providers and the service administrator;~~
3.33 ~~the council shall provide an opportunity for the transportation accessibility advisory~~
3.34 ~~committee, users, and other interested persons to testify before the council concerning~~

4.1 ~~providers, contract terms, and other matters relating to council policies and procedures for~~
 4.2 ~~implementing the service.~~

4.3 (e) The council shall establish a Transportation Accessibility Advisory Committee
 4.4 consisting of 15 members and a chair to advise the council on management policies for
 4.5 the council's special transportation service. The Transportation Accessibility Advisory
 4.6 Committee must include elderly and disabled persons, other users of special transportation
 4.7 service, ~~representatives of persons contracting to provide special transportation services,~~
 4.8 and representatives of appropriate agencies for elderly and disabled persons ~~to advise~~
 4.9 ~~the council on management policies for the service.~~ At least half the Transportation
 4.10 Accessibility Advisory Committee members must be ~~disabled or elderly persons or~~
 4.11 ~~the representatives of disabled or elderly persons.~~ Two of the appointments to the
 4.12 ~~Transportation Accessibility Advisory Committee shall be made by the Council on~~
 4.13 ~~Disability in consultation with the chair of the Metropolitan Council~~ persons who are both
 4.14 ADA certified and users of public transit in the metropolitan area.

4.15 Sec. 5. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

4.16 Subd. 2a. **Eligibility ~~certification~~ application and verification; penalty for**
 4.17 **fraudulent certification.** If the council requires a person to be certified as eligible for
 4.18 special transportation services, an applicant for certification must submit an application
 4.19 form and the applicant's eligibility must be verified by a type of professional specified by
 4.20 the council. The council shall ~~include the notice of penalty for fraudulent certification, and:~~

4.21 (1) require the applicant to sign the application form and certify that the application
 4.22 information is accurate; and

4.23 (2) require the person ~~certifying~~ verifying the applicant applicant's eligibility to sign
 4.24 the eligibility ~~certification~~ verification form and the applicant to sign the application form,
 4.25 as provided in section 174.295 certify that the verifying information is accurate.

4.26 The penalty provided for in section 174.295, subdivision 4, applies to the
 4.27 certifications by the applicant and the person verifying the applicant's eligibility. The
 4.28 council must include a notice of the penalty for fraudulent certification in the application
 4.29 form and the eligibility verification form.

4.30 Sec. 6. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

4.31 Subd. 3. **Duties of council.** In implementing the special transportation service, the
 4.32 council shall:

5.1 (a) encourage participation in the service by public, private, and private nonprofit
 5.2 providers of special transportation currently receiving capital or operating assistance
 5.3 from a public agency;

5.4 (b) when feasible and cost-efficient, contract with public, private, and private
 5.5 nonprofit providers that have demonstrated their ability to effectively provide service at
 5.6 a reasonable cost;

5.7 (c) encourage individuals using special transportation to use the type of service
 5.8 most appropriate to their particular needs;

5.9 ~~(d) ensure that all persons providing special transportation service receive equitable~~
 5.10 ~~treatment in the allocation of the ridership;~~

5.11 ~~(e)~~ (d) encourage shared rides to the greatest extent practicable;

5.12 ~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals
 5.13 as a component of human services and educational programs to coordinate with this
 5.14 service and to allow reimbursement for transportation provided through the service at rates
 5.15 that reflect the public cost of providing that transportation;

5.16 ~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special
 5.17 transportation services;

5.18 ~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a
 5.19 timely manner before changes are made in the provision of special transportation services;
 5.20 ~~including, but not limited to, changes in policies affecting the matters subject to hearing~~
 5.21 ~~under subdivision 2;~~

5.22 ~~(i)~~ (h) provide for effective administration and enforcement of council policies
 5.23 and standards; and

5.24 ~~(j) annually evaluate providers of special transportation service to ensure compliance~~
 5.25 ~~with the standards established for the program; and~~

5.26 ~~(k)~~ (i) ensure that, taken as a whole including contracts with public, private, and
 5.27 private nonprofit providers, the geographic coverage area of the special transportation
 5.28 service is continuous within the boundaries of the transit taxing district, as defined as of
 5.29 March 1, 2006, in section 473.446, subdivision 2.

5.30 Sec. 7. **TRANSITION PROVISION.**

5.31 The person appointed by the Metropolitan Council as chair of the Transportation
 5.32 Advisory Board under previous law shall remain its chair until a chair is appointed by
 5.33 the council pursuant to section 1.

5.34 Sec. 8. **REPEALER.**

6.1 Minnesota Statutes 2006, section 473.1465, is repealed.

6.2 **Sec. 9. APPLICATION.**

6.3 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
6.4 Scott, and Washington.

6.5 **Sec. 10. EFFECTIVE DATE.**

6.6 This act is effective the day following final enactment.