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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1611

March 1, 2007

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The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to the metropolitan area; modifying provisions for planning, designing,
1.3 and constructing light rail transit in the metropolitan area; amending Minnesota
1.4 Statutes 2006, sections 473.166; 473.399; 473.3993, subdivision 3; 473.3994;
1.5 473.3997; 473.4051; proposing coding for new law in Minnesota Statutes,
1.6 chapter 473; repealing Laws 1999, chapter 230, section 44.

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

1.8 Section 1. Minnesota Statutes 2006, section 473.166, is amended to read:

1.9 **473.166 CONTROLLED ACCESS; ~~TRANSIT FIXED-GUIDEWAY;~~**
1.10 **APPROVAL.**

1.11 Before acquiring land for or constructing a controlled access highway ~~or transit~~
1.12 ~~fixed-guideway~~ in the area, the state Transportation Department or local government
1.13 unit proposing the acquisition or construction shall submit to the council a statement
1.14 describing the proposed project. The statement must be in the form and detail required by
1.15 the council. The council shall review the statement to ascertain its consistency with its
1.16 policy plan and the development guide. No project may be undertaken unless the council
1.17 determines that it is consistent with the policy plan. This approval is in addition to the
1.18 requirements of any other statute, ordinance or rule.

1.19 Sec. 2. Minnesota Statutes 2006, section 473.399, is amended to read:

1.20 **473.399 TRANSITWAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL**
1.21 **PLANNING IN THE METROPOLITAN AREA.**

1.22 Subdivision 1. **General requirements.** (a) The council must identify in its
1.23 transportation policy plan those heavily traveled corridors where development of a
1.24 transitway may be feasible and cost effective. Modes of providing service in a transitway

2.1 may include bus rapid transit, light rail transit, commuter rail, or other available systems
2.2 or technologies that improve transit service.

2.3 (b) After the completion of environmental studies and receipt of input from the
2.4 governing body of each statutory and home rule charter city, county, and town in which a
2.5 transitway is proposed to be constructed, the council must designate the locally preferred
2.6 alternative transit mode with respect to the corridor.

2.7 (c) The council shall ~~adopt a plan to~~ ensure that any light rail transit facilities
2.8 that are designated as the locally preferred alternative and that are to be constructed in
2.9 the metropolitan area will be acquired, developed, owned, and capable of operation in
2.10 an efficient, cost-effective, and coordinated manner in coordination with buses and other
2.11 transportation modes and facilities. ~~The plan may be developed and adopted in phases~~
2.12 ~~corresponding to phasing of construction of light rail. The council may incorporate into its~~
2.13 ~~plan appropriate elements of the plans of regional railroad authorities in order to avoid~~
2.14 ~~duplication of effort.~~

2.15 ~~(b) The light rail transit plan or first phase of the plan required by this section must~~
2.16 ~~be adopted by the council before the commissioner of transportation may begin (d)~~
2.17 Construction of light rail transit facilities in a particular transit corridor may not commence
2.18 unless and until that mode is designated as the locally preferred alternative for that corridor
2.19 by the council. ~~Following adoption of the plan, the commissioner of transportation shall~~
2.20 ~~act in conformity with the plan. The commissioner shall prepare or amend the final design~~
2.21 ~~plans as necessary to make the plans consistent with the light rail transit plan.~~

2.22 ~~(c) Throughout the development and implementation of the plan, the council shall~~
2.23 ~~contract for or otherwise obtain engineering services to assure that the plan adequately~~
2.24 ~~addresses the technical aspects of light rail transit.~~

2.25 Subd. 1a. **Integrated transportation system.** The commissioner of transportation
2.26 and the Metropolitan Council shall ensure that ~~the~~ light rail transit and commuter rail
2.27 facilities are planned, designed, and implemented: (1) to move commuters and transit
2.28 users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail
2.29 transit lines will interface with each other and other transportation facilities and services
2.30 so as to provide a unified, integrated, and efficient multimodal transportation system.

2.31 Subd. 4. **Expenditure of state funds.** No state funds may be expended by the
2.32 Metropolitan Council to study a particular light rail transit or commuter rail facility unless
2.33 the funds are appropriated in legislation that identifies the route, including the origin
2.34 and destination.

2.35 Sec. 3. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

3.1 Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that
 3.2 includes the items in the preliminary design plan and the preliminary engineering plan for
 3.3 the facilities proposed but with greater detail and specificity needed for construction. The
 3.4 final design plan must include, at a minimum:

3.5 (1) final plans for the physical design of facilities, including the right-of-way
 3.6 definition; environmental impacts and mitigation measures; intermodal coordination with
 3.7 bus operations and routes; and civil engineering plans for vehicles, track, stations, parking,
 3.8 and access, including disability access; and

3.9 (2) final plans for civil engineering for electrification, communication, and other
 3.10 similar facilities; operational rules, procedures, and strategies; capital costs; ridership;
 3.11 operating costs and revenues, and sources of funds for operating subsidies; financing for
 3.12 construction and operation; an implementation method; and other similar matters.

3.13 The final design plan must be stated with sufficient particularity and detail to
 3.14 allow the proposer to begin the acquisition and construction of operable facilities. If a
 3.15 design-build implementation method is proposed, instead of civil engineering plans the
 3.16 final design plan must state detailed design criteria and performance standards for the
 3.17 facilities.

3.18 ~~The commissioner of transportation may use~~ A design-build method of project
 3.19 development and construction may be utilized for construction of light rail transit.
 3.20 Notwithstanding any law to the contrary, ~~the commissioner may award a~~ design-build
 3.21 contract may be awarded on the basis of requests for proposals or requests for qualifications
 3.22 without bids. "Design-build method of project development and construction" means a
 3.23 project delivery system in which a single contractor is responsible for both the design and
 3.24 construction of the project and bids the design and construction together.

3.25 Sec. 4. Minnesota Statutes 2006, section 473.3994, is amended to read:

3.26 **473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.**

3.27 Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit
 3.28 facility in the metropolitan area, the governor must designate either the Metropolitan
 3.29 Council or the state of Minnesota acting through the commissioner of transportation as
 3.30 the entity responsible for planning, designing, acquiring, constructing, and equipping the
 3.31 facility. For the purposes of this section and section 473.3997, the term "responsible
 3.32 authority" means the entity designated by the governor for a particular light rail transit
 3.33 facility. Notwithstanding such designation, the commissioner and the council may
 3.34 enter into one or more cooperative agreements with respect to the planning, designing,
 3.35 acquiring, constructing, or equipping of a particular light rail transit facility that provide

4.1 for the parties to exercise their respective authorities in support of the project in a manner
4.2 that best serves the project and the public.

4.3 Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are
4.4 prepared for a light rail transit facility in the metropolitan area, the ~~commissioner of~~
4.5 ~~transportation~~ responsible authority and the regional railroad authority or authorities
4.6 in whose jurisdiction the line or lines are located must hold a public hearing on the
4.7 physical design component of the preliminary design plans. The ~~commissioner of~~
4.8 ~~transportation~~ responsible authority and the regional railroad authority or authorities in
4.9 whose jurisdiction the line or lines are located must provide appropriate public notice of
4.10 the hearing and publicity to ensure that affected parties have an opportunity to present
4.11 their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the
4.12 proceedings and testimony and maintain the record of a hearing held under this section,
4.13 including any written statements submitted.

4.14 Subd. 3. **Preliminary design plans; local approval.** (a) At least 30 days before
4.15 the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority
4.16 shall submit the physical design component of the preliminary design plans to the
4.17 governing body of each statutory and home rule charter city, county, and town in which
4.18 the route is proposed to be located. The city, county, or town shall hold a public hearing.
4.19 Within 45 days after the hearing under subdivision 2, the city, county, or town shall review
4.20 and approve or disapprove the plans for the route to be located in the city, county, or town.
4.21 A local unit of government that disapproves the plans shall describe specific amendments
4.22 to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure
4.23 to approve or disapprove the plans in writing within 45 days after the hearing is deemed
4.24 to be approval, unless an extension of time is agreed to by the city, county, or town and
4.25 the ~~commissioner of transportation~~ responsible authority.

4.26 Subd. 4. **Preliminary design plans; council referral.** If the governing body of
4.27 one or more cities, counties, or towns disapproves the preliminary design plans within
4.28 the period allowed under subdivision 3, the ~~commissioner of transportation may refer the~~
4.29 ~~plans, along with any comments of local jurisdictions, to the Metropolitan Council. The~~
4.30 council shall hold a hearing on the plans, giving the commissioner of transportation, if the
4.31 responsible authority, any disapproving local governmental units, and other persons an
4.32 opportunity to present their views on the plans. The council may conduct independent
4.33 study as it deems desirable and may mediate and attempt to resolve disagreements about
4.34 the plans. Within ~~90~~ 60 days after the ~~referral~~ hearing, the council shall review the
4.35 plans ~~submitted by the commissioner of transportation and the council~~ and shall decide
4.36 what amendments to the plans, if any, must be made to accommodate the objections

5.1 presented by the disapproving local governmental units. ~~The commissioner shall make the~~
5.2 Amendments to the plans as decided by the council must be made before continuing the
5.3 planning and designing process.

5.4 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial
5.5 change from the preliminary design plans with respect to location, length, or termini
5.6 of routes; general dimension, elevation, or alignment of routes and crossings; location
5.7 of tracks above ground, below ground, or at ground level; or station locations, before
5.8 beginning construction, the ~~commissioner~~ responsible party shall submit the changed
5.9 component of the final design plans to the governing body of each statutory and home
5.10 rule city, county, and town in which the changed component is proposed to be located.
5.11 Within 60 days after the submission of the plans, the city, county, or town shall review
5.12 and approve or disapprove the changed component located in the city, county, or town. A
5.13 local unit of government that disapproves the change shall describe specific amendments
5.14 to the plans that, if adopted, would cause the local unit to withdraw its disapproval.
5.15 Failure to approve or disapprove the changed plans in writing within the time period is
5.16 deemed to be approval, unless an extension is agreed to by the city, county, or town and
5.17 the ~~commissioner~~ responsible authority.

5.18 (b) If the governing body of one or more cities, counties, or towns disapproves the
5.19 changed plans within the period allowed under paragraph (a), the ~~commissioner may refer~~
5.20 ~~the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~
5.21 ~~The~~ council shall review the final design plans under the same procedure and with the
5.22 same effect as provided in subdivision 4 for preliminary design plans.

5.23 Subd. 7. **Council review.** If the commissioner is the responsible authority, before
5.24 proceeding with construction of a light rail transit facility, the commissioner must submit
5.25 preliminary and final design plans to the Metropolitan Council. The council must review
5.26 the plans for consistency with the council's development guide and approve the plans.

5.27 Subd. 8. **Metropolitan significance.** This section does not diminish or replace the
5.28 authority of the council under section 473.173.

5.29 Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for
5.30 federal assistance for light rail transit facilities in the metropolitan area, the ~~applicant must~~
5.31 ~~provide to the~~ Metropolitan Council ~~estimates~~ must prepare an estimate of the amount
5.32 of operating subsidy which will be required to operate light rail transit in the corridor to
5.33 which the federal assistance would be applied. ~~The information provided to the council~~
5.34 estimate must indicate the amount of operating subsidy estimated to be required in each
5.35 of the first ten years of operation of the light rail transit facility. If the commissioner of

6.1 transportation is the responsible authority, the commissioner must provide information
6.2 requested by the council that is necessary to make the estimate.

6.3 (b) The council must review and evaluate the ~~information provided~~ estimate
6.4 developed under paragraph (a) with regard to the effect of operating the light rail transit
6.5 facility on the currently available mechanisms for financing transit in the metropolitan area.

6.6 Subd. 10. **Corridor Management Committee.** The responsible authority
6.7 must establish a Corridor Management Committee ~~shall be established~~ to advise the
6.8 ~~commissioner of transportation~~ responsible authority in the design and construction of
6.9 light rail transit in each corridor to be constructed. The Corridor Management Committee
6.10 for each corridor shall consist of the following members:

6.11 (1) one member appointed by each city and county in which the corridor is located;

6.12 (2) the commissioner of transportation or a designee of the commissioner;

6.13 (3) two members appointed by the Metropolitan Council, one of whom shall be
6.14 designated as the chair of the committee;

6.15 (4) one member appointed by the Metropolitan Airports Commission, if the
6.16 designated corridor provides direct service to the Minneapolis-St. Paul International
6.17 Airport; and

6.18 (5) one member appointed by the president of the University of Minnesota, if the
6.19 designated corridor provides direct service to the university.

6.20 The Corridor Management Committee shall advise the ~~commissioner of~~
6.21 ~~transportation~~ responsible authority on issues relating to ~~the alternatives analysis;~~
6.22 environmental review, preliminary design, preliminary engineering, final design,
6.23 implementation method, and construction of light rail transit in the corridor.

6.24 Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties
6.25 arising from the parties' respective authority and responsibility under this section, the
6.26 dispute shall be submitted to the Metropolitan Council for final resolution by any party to
6.27 the dispute. The Metropolitan Council shall establish by July 1, 1993, a process to ensure
6.28 a prompt and speedy resolution of the dispute. This process shall allow the parties to
6.29 provide evidence and testimony in support of their positions.

6.30 Subd. 14. **Transfer of facility after construction.** If the commissioner of
6.31 transportation is the responsible authority for a particular light rail transit facility, the
6.32 commissioner must transfer to the Metropolitan Council all facilities constructed and
6.33 all equipment and property acquired in developing the facility upon completion of
6.34 construction.

7.1 Sec. 5. Minnesota Statutes 2006, section 473.3997, is amended to read:

7.2 **473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

7.3 (a) Upon completion of the alternatives analysis and draft environmental impact
 7.4 statement, and selection of the locally preferred alternative, for ~~the central corridor~~
 7.5 ~~transit improvement project~~ each light rail transit facility, the ~~council, the commissioner~~
 7.6 ~~of transportation, and the affected regional rail authorities~~ responsible authority may
 7.7 prepare ~~a joint~~ an application for federal assistance for ~~the light rail transit facilities in the~~
 7.8 ~~metropolitan area~~ facility. If the commissioner is the responsible authority, the application
 7.9 must be reviewed and approved by the Metropolitan Council before it is submitted by ~~the~~
 7.10 ~~council and~~ the commissioner. In reviewing the application the council must consider the
 7.11 ~~information submitted to it~~ operating cost estimate developed under section 473.3994,
 7.12 subdivision 9.

7.13 (b) ~~Until the application described in paragraph (a) is submitted~~ Except for the
 7.14 designated responsible authority for a particular light rail transit facility, no political
 7.15 subdivision in the metropolitan area may on its own apply for federal assistance for light
 7.16 rail transit planning or construction.

7.17 Sec. 6. **[473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN THE**
 7.18 **METROPOLITAN AREA; COUNCIL AUTHORITY.**

7.19 The Metropolitan Council may exercise the powers granted in this chapter and in
 7.20 other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail
 7.21 transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

7.22 Sec. 7. Minnesota Statutes 2006, section 473.4051, is amended to read:

7.23 **473.4051 LIGHT RAIL TRANSIT OPERATION.**

7.24 The council shall operate all light rail transit facilities and services located in the
 7.25 metropolitan area upon completion of construction of the facilities and the commencement
 7.26 of revenue service using the facilities. ~~The commissioner of transportation and the council~~
 7.27 may not allow the commencement of revenue service until after an appropriate period of
 7.28 acceptance testing to ensure safe and satisfactory performance. In assuming the operation
 7.29 of the system, the council must comply with section 473.415. The council shall coordinate
 7.30 operation of the light rail transit system with bus service to avoid duplication of service
 7.31 on a route served by light rail transit and to ensure the widest possible access to light rail
 7.32 transit lines in both suburban and urban areas by means of a feeder bus system.

7.33 Sec. 8. **APPLICATION.**

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

8.3 **Sec. 9. REPEALER.**

8.4 Laws 1999, chapter 230, section 44, is repealed.

8.5 **Sec. 10. EFFECTIVE DATE.**

8.6 This act is effective the day following final enactment.