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# HOUSE FILE No. 2807

## *FIRST COMMITTEE ENGROSSMENT*

February 8, 2010

Authored by Hornstein and Champion

The bill was read for the first time and referred to the Committee on Finance

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*Referred by Chair to Transportation Finance and Policy Division.*

February 16, 2010

*Returned to the Committee on Finance as Amended.*

1.1 A bill for an act  
1.2 relating to transportation; modifying or adding provisions relating to  
1.3 transportation construction impacts on business, rest areas, highways, bridges,  
1.4 deputy registrars, vehicles, impounds, towing, intersection gridlock, bus  
1.5 operation, various traffic regulations, cargo tank vehicle weight exemptions,  
1.6 transportation department goals and mission, a Minnesota Council of  
1.7 Transportation Access, a Commuter Rail Corridor Coordinating Committee,  
1.8 railroad track safety, motor carriers of railroad employees, airport authorities,  
1.9 property acquisition for highways, transit, and town road interest extinguishment  
1.10 nullification; requiring a report; making technical and clarifying changes;  
1.11 amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions;  
1.12 165.14, subdivisions 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1;  
1.13 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87,  
1.14 by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a;  
1.15 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision;  
1.16 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18,  
1.17 subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14,  
1.18 subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008,  
1.19 chapter 287, article 1, section 122; proposing coding for new law in Minnesota  
1.20 Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, sections  
1.21 13.721, subdivision 4; 169.041, subdivisions 3, 4; 221.0355, subdivisions 1, 2,  
1.22 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18.

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

1.24 Section 1. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

1.25 **160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS**  
1.26 **ON BUSINESS.**

1.27 Subdivision 1. **Definitions.** For the purposes of this section, the following terms  
1.28 have the meanings given:

1.29 (1) "project" means construction work to maintain, construct, reconstruct, or  
1.30 improve a street or highway or for a rail transit project;

2.1 (2) "substantial business impacts" means impairment of road access, parking, or  
2.2 visibility for one or more business establishments as a result of a project, for a minimum  
2.3 period of one month; and

2.4 (3) "transportation authority" means the commissioner, as to trunk highways; the  
2.5 county board, as to county state-aid highways and county highways; the town board, as to  
2.6 town roads; ~~and~~ statutory or home rule charter cities, as to city streets; the Metropolitan  
2.7 Council, for rail transit projects located entirely within the metropolitan area as defined in  
2.8 section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

2.9 Subd. 2. **Business liaison.** (a) Before beginning construction work on a project,  
2.10 a transportation authority shall identify whether the project is anticipated to include  
2.11 substantial business impacts. For such projects, the transportation authority shall designate  
2.12 an individual to serve as business liaison between the transportation authority and affected  
2.13 businesses.

2.14 (b) The business liaison shall consult with affected businesses before and  
2.15 during construction to investigate means of mitigating project impacts to businesses.  
2.16 The mitigation considered must include signage. The business liaison shall provide  
2.17 information to the identified businesses before and during construction, concerning project  
2.18 duration and timetables, lane and road closures, detours, access impacts, customer parking  
2.19 impacts, visibility, noise, dust, vibration, and public participation opportunities.

2.20 Subd. 3. **Exception.** This section does not apply to construction work in connection  
2.21 with the Central Corridor light rail transit line that will connect downtown Minneapolis  
2.22 and downtown St. Paul.

2.23 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2012. Subdivision 3 is  
2.24 effective July 1, 2010.

2.25 Sec. 2. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

2.26 Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

2.27 (1) dispose of travel-related trash and rubbish, except if depositing it in a designated  
2.28 receptacle;

2.29 (2) dump household or commercial trash and rubbish into containers or anywhere  
2.30 else on site;

2.31 (3) drain or dump refuse or waste from any trailer, recreational vehicle, or other  
2.32 vehicle except where receptacles are provided and designated to receive the refuse or  
2.33 waste;

2.34 (4) stop and park continuously for a period in excess of six hours, except for:

2.35 (i) commercial motor vehicle operators as provided for under section 160.2721; and

- 3.1 (ii) employees on duty at the rest area;  
3.2 (5) pitch tents or sleep overnight outside a vehicle; or  
3.3 (6) allow a motor vehicle to remain unattended when no member of a party or group  
3.4 traveling in association with the motor vehicle or trailer is present at the rest area.

3.5 Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to acts  
3.7 committed on or after that date.

3.8 Sec. 3. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is  
3.9 amended to read:

3.10 Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following  
3.11 described route is designated the "Clearwater County Veterans Memorial Highway": that  
3.12 portion of Legislative Route No. 168, marked on August 1, 2009, as Trunk Highway 200,  
3.13 from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection  
3.14 with Legislative Route No. 169, marked on August 1, 2009, as Trunk Highway 92; and that  
3.15 portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

3.16 (b) The commissioner shall adopt a suitable marking design to mark this highway  
3.17 and erect appropriate signs, subject to section 161.139.

3.18 Sec. 4. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
3.19 to read:

3.20 Subd. 64. **Veterans Memorial Highway.** Legislative Route No. 31, signed as  
3.21 Trunk Highway 200 as of the effective date of this section, from the border with North  
3.22 Dakota to the city of Mahnommen, is designated as the "Veterans Memorial Highway." The  
3.23 commissioner shall adopt a suitable design to mark this highway and erect appropriate  
3.24 signs, subject to section 161.139.

3.25 Sec. 5. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
3.26 to read:

3.27 Subd. 65. **Becker County Veterans Memorial Highway.** Marked Trunk Highway  
3.28 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with  
3.29 County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection  
3.30 with County State-Aid Highway 33 to its intersection with County State-Aid Highway  
3.31 39, is named and designated the "Becker County Veterans Memorial Highway." Subject  
3.32 to section 161.139, the commissioner shall adopt a suitable marking design to mark this  
3.33 highway and erect appropriate signs.

4.1 Sec. 6. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
4.2 to read:

4.3 Subd. 66. **Granite City Crossing.** The bridge over the Mississippi River on marked  
4.4 Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner  
4.5 of transportation shall adopt a suitable design to mark this bridge and erect appropriate  
4.6 signs, subject to section 161.139.

4.7 Sec. 7. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

4.8 Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all  
4.9 bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless  
4.10 the commissioner identifies a reason for proceeding otherwise, before commencing bridge  
4.11 projects in a lower tier, all bridge projects within a higher tier must to the extent feasible  
4.12 be selected and funded in the approved state transportation improvement program, at  
4.13 any stage in the project development process, solicited for bids, in contract negotiation,  
4.14 under construction, or completed.

4.15 (b) The classification of each tier is as follows:

4.16 (1) tier 1 consists of any bridge in the program that (i) has an average daily traffic  
4.17 count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is  
4.18 identified by the commissioner as a priority project;

4.19 (2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as  
4.20 fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

4.21 (3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

4.22 (c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program  
4.23 must be under contract for repair or replacement with a new bridge that contains a  
4.24 load-path-redundant design, except that a specific bridge may remain in continued service  
4.25 if the reasons are documented in the report required under subdivision 5.

4.26 (d) All bridge projects funded under this section in fiscal year 2012 or later must  
4.27 include bicycle and pedestrian accommodations if both sides of the bridge are located in a  
4.28 city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

4.29 Bicycle and pedestrian accommodations would not be required if:

4.30 (1) a comprehensive assessment demonstrates that there is an absence of need for  
4.31 bicycle and pedestrian accommodations for the life of the bridge; or

4.32 (2) there is a reasonable alternative bicycle and pedestrian crossing within  
4.33 one-quarter mile of the bridge project.

4.34 All bicycle and pedestrian accommodations should enable a connection to any existing  
4.35 bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian

5.1 facilities must meet or exceed federal accessibility requirements as outlined in Title II of  
5.2 the Americans with Disabilities Act, codified in United States Code, title 42, chapter  
5.3 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United  
5.4 States Code, title 29, section 794.

5.5 (e) The commissioner shall establish criteria for determining the priority of bridge  
5.6 projects within each tier, and must include safety considerations as a criterion.

5.7 **EFFECTIVE DATE.** This section is effective July 1, 2010.

5.8 Sec. 8. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

5.9 Subd. 5. **Statewide transportation planning report.** In conjunction with each  
5.10 update to the Minnesota statewide transportation plan, or at least every six years, the  
5.11 commissioner shall submit a report to the chairs and ranking minority members of the  
5.12 house of representatives and senate committees with jurisdiction over transportation  
5.13 finance. The report must include:

5.14 (1) an explanation of the criteria and decision-making processes used to prioritize  
5.15 bridge projects;

5.16 (2) a historical and projected analysis of the extent to which all trunk highway  
5.17 bridges meet bridge performance targets and comply with the accessibility requirements  
5.18 of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;

5.19 (3) a summary of bridge projects (i) completed in the previous six years or since the  
5.20 last update to the Minnesota statewide transportation plan, and (ii) currently in progress  
5.21 under the program;

5.22 (4) a summary of bridge projects scheduled in the next four fiscal years and included  
5.23 in the state transportation improvement program;

5.24 (5) a projection of annual needs over the next 20 years;

5.25 (6) a calculation of funding necessary to meet the completion date under subdivision  
5.26 4, paragraph (c), compared to the total amount of bridge-related funding available; and

5.27 (7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an  
5.28 explanation of the reasons for repair instead of replacement.

5.29 Sec. 9. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

5.30 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause  
5.31 discontinue, a deputy registrar for any statutory or home rule charter city as the public  
5.32 interest and convenience may require, without regard to whether the county auditor of  
5.33 the county in which the city is situated has been appointed as the deputy registrar for the  
5.34 county or has been discontinued as the deputy registrar for the county, and without regard

6.1 to whether the county in which the city is situated has established a county license bureau  
6.2 that issues motor vehicle licenses as provided in section 373.32.

6.3 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar  
6.4 for any statutory or home rule charter city as the public interest and convenience may  
6.5 require, if the auditor for the county in which the city is situated chooses not to accept  
6.6 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,  
6.7 or if the county in which the city is situated has not established a county license bureau  
6.8 that issues motor vehicle licenses as provided in section 373.32. The individual appointed  
6.9 by the commissioner as a deputy registrar for any statutory or home rule charter city must  
6.10 be a resident of the county in which the city is situated.

6.11 (c) The commissioner may appoint, and for cause discontinue, the county auditor of  
6.12 each county as a deputy registrar.

6.13 (d) Despite any other provision, a person other than a county auditor or a director  
6.14 of a county license bureau, who was appointed by the registrar before August 1, 1976,  
6.15 as a deputy registrar for any statutory or home rule charter city, may continue to serve  
6.16 as deputy registrar and may be discontinued for cause only by the commissioner. The  
6.17 county auditor who appointed the deputy registrars is responsible for the acts of deputy  
6.18 registrars appointed by the auditor.

6.19 (e) Each deputy, before entering upon the discharge of duties, shall take and  
6.20 subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

6.21 (f) If a deputy registrar appointed under this subdivision is not an officer or employee  
6.22 of a county or statutory or home rule charter city, the deputy shall in addition give bond to  
6.23 the state in the sum of \$10,000, or a larger sum as may be required by the commissioner,  
6.24 conditioned upon the faithful discharge of duties as deputy registrar.

6.25 (g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A or 317A  
6.26 may be appointed a deputy registrar. Upon application by an individual serving as a  
6.27 deputy registrar and the giving of the requisite bond as provided in this subdivision,  
6.28 personally assured by the individual or another individual approved by the commissioner,  
6.29 a corporation named in an application then becomes the duly appointed and qualified  
6.30 successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar~~  
6.31 ~~expires January 1, 2012. The commissioner shall appoint an individual as successor to~~  
6.32 ~~the corporation as a deputy registrar. The commissioner shall appoint as the successor~~  
6.33 ~~agent to a corporation whose appointment expires under this paragraph an officer of the~~  
6.34 ~~corporation if the officer applies for appointment before July 1, 2012.~~

7.1 (h) Each deputy registrar appointed under this subdivision shall keep and maintain  
7.2 office locations approved by the commissioner for the registration of vehicles and the  
7.3 collection of taxes and fees on vehicles.

7.4 (i) The deputy registrar shall keep records and make reports to the commissioner as  
7.5 the commissioner requires. The records must be maintained at the offices of the deputy  
7.6 registrar. The records and offices of the deputy registrar must at all times be open to the  
7.7 inspection of the commissioner or the commissioner's agents. The deputy registrar shall  
7.8 report to the commissioner by the next working day following receipt all registrations  
7.9 made and taxes and fees collected by the deputy registrar.

7.10 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of  
7.11 the place for which appointed or, if not a public official, a deputy shall retain the filing fee,  
7.12 but the registration tax and any additional fees for delayed registration the deputy registrar  
7.13 has collected the deputy registrar shall deposit by the next working day following receipt  
7.14 in an approved state depository to the credit of the state through the commissioner of  
7.15 management and budget. The place for which the deputy registrar is appointed through its  
7.16 governing body must provide the deputy registrar with facilities and personnel to carry out  
7.17 the duties imposed by this subdivision if the deputy is a public official. In all other cases,  
7.18 the deputy shall maintain a suitable facility for serving the public.

7.19 Sec. 10. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

7.20 Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is  
7.21 taken into custody, the unit of government or impound lot operator taking it into custody  
7.22 shall give written notice of the taking within five days to the registered vehicle owner  
7.23 and any lienholders.

7.24 (b) The notice must:

7.25 (1) set forth the date and place of the taking;

7.26 (2) provide the year, make, model, and serial number of the impounded motor  
7.27 vehicle, if such information can be reasonably obtained, and the place where the vehicle  
7.28 is being held;

7.29 (3) inform the owner and any lienholders of their right to reclaim the vehicle under  
7.30 section 168B.07;

7.31 (4) state that failure of the owner or lienholders to:

7.32 (i) exercise their right to reclaim the vehicle within the appropriate time allowed  
7.33 under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in  
7.34 section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest

8.1 in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle  
8.2 pursuant to section 168B.08; or

8.3 (ii) exercise their right to reclaim the contents of the vehicle within the appropriate  
8.4 time allowed and under the conditions set forth in section 168B.07, subdivision 3,  
8.5 constitutes a waiver by them of all right, title, and interest in the contents and consent to  
8.6 sell or dispose of the contents under section 168B.08; and

8.7 (5) state that a vehicle owner who provides to the impound lot operator  
8.8 documentation from a government or nonprofit agency or legal aid office that the owner  
8.9 is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a~~  
8.10 ~~household income at or below 50 percent of state median income~~ has the unencumbered  
8.11 right to retrieve any and all contents without charge.

8.12 Sec. 11. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

8.13 Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

8.14 (1) "contents" does not include any permanently affixed mechanical or  
8.15 nonmechanical automobile parts; automobile body parts; or automobile accessories,  
8.16 including audio or video players; and

8.17 (2) "relief based on need" includes, but is not limited to, receipt of MFIP  
8.18 and Diversionary Work Program, medical assistance, general assistance, general  
8.19 assistance medical care, emergency general assistance, Minnesota supplemental aid,  
8.20 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy  
8.21 assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota  
8.22 working family tax credit.

8.23 (b) A unit of government or impound lot operator shall establish reasonable  
8.24 procedures for retrieval of vehicle contents, and may establish reasonable procedures to  
8.25 protect the safety and security of the impound lot and its personnel.

8.26 (c) At any time before the expiration of the waiting periods provided in section  
8.27 168B.051, a registered owner who provides documentation from a government or  
8.28 nonprofit agency or legal aid office that the registered owner is homeless, receives relief  
8.29 based on need, or is eligible for legal aid services, ~~or has a household income at or below~~  
8.30 ~~50 percent of state median income~~ has the unencumbered right to retrieve any and all  
8.31 contents without charge and regardless of whether the registered owner pays incurred  
8.32 charges or fees, transfers title, or reclaims the vehicle.

8.33 Sec. 12. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:



9.1 Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4, (a)~~ A  
9.2 towing authority may not tow a motor vehicle because:

9.3 (1) the vehicle has expired registration tabs that have been expired for less than  
9.4 90 days; or

9.5 (2) the vehicle is at a parking meter on which the time has expired and the vehicle  
9.6 has fewer than five unpaid parking tickets.

9.7 (b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

9.8 (1) the vehicle is parked in violation of snow emergency regulations;

9.9 (2) the vehicle is parked in a rush-hour restricted parking area;

9.10 (3) the vehicle is blocking a driveway, alley, or fire hydrant;

9.11 (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking  
9.12 is prohibited;

9.13 (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the  
9.14 stop sign;

9.15 (6) the vehicle is parked in a disability transfer zone or disability parking space  
9.16 without a disability parking certificate or disability license plates;

9.17 (7) the vehicle is parked in an area that has been posted for temporary restricted  
9.18 parking (A) at least 12 hours in advance in a home rule charter or statutory city having  
9.19 a population under 50,000, or (B) at least 24 hours in advance in another political  
9.20 subdivision;

9.21 (8) the vehicle is parked within the right-of-way of a controlled-access highway or  
9.22 within the traveled portion of a public street when travel is allowed there;

9.23 (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to  
9.24 use by fire, police, public safety, or emergency vehicles;

9.25 (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul  
9.26 International Airport owned by the Metropolitan Airports Commission;

9.27 (11) a law enforcement official has probable cause to believe that the vehicle is  
9.28 stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is  
9.29 reasonably necessary to obtain or preserve the evidence;

9.30 (12) the driver, operator, or person in physical control of the vehicle is taken into  
9.31 custody and the vehicle is impounded for safekeeping;

9.32 (13) a law enforcement official has probable cause to believe that the owner,  
9.33 operator, or person in physical control of the vehicle has failed to respond to five or more  
9.34 citations for parking or traffic offenses;

9.35 (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs  
9.36 to use by taxicabs;

10.1 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked  
10.2 vehicle;

10.3 (16) the vehicle is parked, on a school day during prohibited hours, in a school zone  
10.4 on a public street where official signs prohibit parking; or

10.5 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section  
10.6 168B.011, and subject to immediate removal under chapter 168B.

10.7 Sec. 13. Minnesota Statutes 2008, section 169.15, is amended to read:

10.8 **169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

10.9 Subdivision 1. Impeding traffic; drive at slow speed. No person shall drive a  
10.10 motor vehicle at such a slow speed as to impede or block the normal and reasonable  
10.11 movement of traffic except when reduced speed is necessary for safe operation or in  
10.12 compliance with law or except when the vehicle is temporarily unable to maintain a greater  
10.13 speed due to a combination of the weight of the vehicle and the grade of the highway.

10.14 Subd. 2. Intersection gridlock; stop or block traffic. (a) Except as provided  
10.15 in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a  
10.16 traffic-control signal until the driver is able to move the vehicle immediately, continuously,  
10.17 and completely through the intersection without impeding or blocking the subsequent  
10.18 movement of cross traffic.

10.19 (b) Paragraph (a) does not apply to movement of a vehicle made:

10.20 (1) at the direction of a city-authorized traffic-control agent or a peace officer;

10.21 (2) to facilitate passage of an authorized emergency vehicle with its emergency  
10.22 lights activated; or

10.23 (3) to make a turn, as permitted under section 169.19, that allows the vehicle to  
10.24 safely leave the intersection.

10.25 (c) A violation of this subdivision does not constitute grounds for suspension or  
10.26 revocation of the violator's driver's license.

10.27 **EFFECTIVE DATE.** This section is effective January 1, 2011, and applies to acts  
10.28 committed on or after that date.

10.29 Sec. 14. Minnesota Statutes 2008, section 169.306, is amended to read:

10.30 **169.306 USE OF SHOULDERS BY BUSES.**

10.31 (a) The commissioner of transportation may is authorized to permit the use by transit  
10.32 buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a

11.1 freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan~~  
11.2 ~~area in Minnesota.~~

11.3 (b) If the commissioner permits the use of a freeway or expressway shoulder by  
11.4 transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with  
11.5 a seating capacity of 40 passengers or more operated by a motor carrier of passengers,  
11.6 as defined in section 221.012, subdivision 26, while operating in intrastate commerce or  
11.7 (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or  
11.8 Metro Mobility services, and operated by or under contract with the Metropolitan Council,  
11.9 a local transit authority, or a transit authority created by the legislature. Drivers of these  
11.10 buses must have adequate training in the requirements of paragraph (c), as determined by  
11.11 the commissioner.

11.12 (c) Buses authorized to use the shoulder under this section may be operated on the  
11.13 shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of  
11.14 buses being operated on the shoulder may not exceed the speed of main-line traffic by  
11.15 more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses  
11.16 being operated on the shoulder must yield to merging, entering, and exiting traffic and  
11.17 must yield to other vehicles on the shoulder. Buses operated on the shoulder must be  
11.18 registered with the Department of Transportation.

11.19 (d) For the purposes of this section, the term "Metro Mobility bus" means a motor  
11.20 vehicle of not less than 20 feet in length engaged in providing special transportation  
11.21 services under section 473.386 that is:

11.22 (1) ~~operated by the Metropolitan Council, or operated by~~ operated by or under contract with a  
11.23 public or private entity receiving financial assistance to provide transit services from the  
11.24 Metropolitan Council or the commissioner of transportation; and

11.25 (2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

11.26 (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

11.27 Sec. 15. Minnesota Statutes 2009 Supplement, section 169.71, subdivision 1, is  
11.28 amended to read:

11.29 Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or  
11.30 operate any motor vehicle with:

11.31 (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

11.32 (2) any objects suspended between the driver and the windshield, other than:

11.33 (i) sun visors;

11.34 (ii) rearview mirrors;

12.1 (iii) driver feedback and safety-monitoring equipment when mounted immediately  
12.2 behind, slightly above, or slightly below the rearview mirror;

12.3 ~~(iii)~~ (iv) global positioning systems or navigation systems when mounted or located  
12.4 near the bottommost portion of the windshield; and

12.5 ~~(iv)~~ (v) electronic toll collection devices; or

12.6 (3) any sign, poster, or other nontransparent material upon the front windshield,  
12.7 sidewings, or side or rear windows of the vehicle, other than a certificate or other paper  
12.8 required to be so displayed by law or authorized by the state director of the Division of  
12.9 Emergency Management or the commissioner of public safety.

12.10 (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

12.11 (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

12.12 Sec. 16. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is  
12.13 amended to read:

12.14 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit  
12.15 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul  
12.16 raw or unprocessed agricultural products and be operated with a gross vehicle weight  
12.17 of up to:

12.18 (1) 90,000 pounds; and

12.19 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
12.20 subdivision 1.

12.21 (b) Notwithstanding subdivision ~~4~~ 3, paragraph (a), clause (4), a vehicle or  
12.22 combination of vehicles operated under this subdivision and transporting only sealed  
12.23 intermodal containers may be operated on an interstate highway if allowed by the United  
12.24 States Department of Transportation.

12.25 (c) The fee for a permit issued under this subdivision is \$300.

12.26 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2008.

12.27 Sec. 17. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision  
12.28 to read:

12.29 Subd. 7. **Cargo tank vehicles.** (a) Weight restrictions imposed by the commissioner  
12.30 under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent  
12.31 axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted  
12.32 roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

12.33 (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
12.34 used for propane must have an operating gauge on the cargo tank that shows the amount of

13.1 propane as a percent of capacity of the cargo tank. Documentation of the capacity of the  
13.2 cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of  
13.3 this subdivision, propane weighs 4.2 pounds per gallon.

13.4 (c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
13.5 used for dyed fuel oil must utilize the forward two tank compartments and must carry  
13.6 documentation of the empty weight of the cargo tank vehicle from a certified scale in the  
13.7 cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds  
13.8 per gallon.

13.9 (d) To the extent practicable, cargo tank vehicles that are exempt from weight  
13.10 restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted  
13.11 roads by 12:00 p.m. and before the last week of April.

13.12 Sec. 18. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

13.13 Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated  
13.14 transportation system, including of aeronautics, highways, motor carriers, ports, public  
13.15 transit, railroads, and pipelines, and including facilities for walking and bicycling, a  
13.16 Department of Transportation is created. The department is the principal agency of the  
13.17 state for development, implementation, administration, consolidation, and coordination of  
13.18 state transportation policies, plans, and programs.

13.19 Sec. 19. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

13.20 Subd. 2. **Transportation goals.** The goals of the state transportation system are  
13.21 as follows:

13.22 (1) to ~~provide safe transportation~~ minimize fatalities and injuries for transportation  
13.23 users throughout the state;

13.24 (2) to provide multimodal and intermodal transportation ~~that enhances mobility and~~  
13.25 ~~economic development and provides access to all persons and businesses in Minnesota~~  
13.26 ~~while ensuring that there is no~~ facilities and services to increase access for all persons and  
13.27 businesses and to ensure economic well-being and quality of life without undue burden  
13.28 placed on any community;

13.29 (3) to provide a reasonable travel time for commuters;

13.30 (4) to enhance economic development and provide for the economical, efficient, and  
13.31 safe movement of goods to and from markets by rail, highway, and waterway;

13.32 (5) to encourage tourism by providing appropriate transportation to Minnesota  
13.33 facilities designed to attract tourists and to enhance the appeal, through transportation  
13.34 investments, of tourist destinations across the state;

- 14.1 (6) to provide transit services ~~throughout~~ to all counties in the state to meet the  
14.2 needs of transit users;
- 14.3 (7) to promote ~~productivity~~ accountability through ~~system~~ systematic management  
14.4 of system performance and productivity through the utilization of technological  
14.5 advancements;
- 14.6 (8) to maximize the long-term benefits received for each state transportation  
14.7 investment;
- 14.8 (9) to provide for and prioritize funding ~~for~~ of transportation investments that, ~~at a~~  
14.9 ~~minimum, preserves the transportation infrastructure~~ ensures that the state's transportation  
14.10 infrastructure is maintained in a state of good repair;
- 14.11 (10) to ensure that the planning and implementation of all modes of transportation  
14.12 are consistent with the environmental and energy goals of the state;
- 14.13 (11) to promote and increase the use of high-occupancy vehicles and low-emission  
14.14 vehicles;
- 14.15 (12) to provide an air transportation system sufficient to encourage economic growth  
14.16 and allow all regions of the state the ability to participate in the global economy;
- 14.17 (13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving  
14.18 highest priority to the transportation modes with the greatest people-moving capacity and  
14.19 lowest long-term economic and environmental cost;
- 14.20 (14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~  
14.21 energy-efficient, nonpolluting, and healthful form healthy forms of transportation;
- 14.22 (15) to reduce greenhouse gas emissions from the state's transportation sector; and  
14.23 (16) to accomplish these goals with minimal impact on the environment.

14.24 Sec. 20. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

14.25 Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part  
14.26 of the department's mission that within the department's resources the commissioner  
14.27 shall endeavor to:

14.28 (1) prevent the waste or unnecessary spending of public money;

14.29 (2) use innovative fiscal and human resource practices to manage the state's  
14.30 resources and operate the department as efficiently as possible;

14.31 (3) minimize the degradation of air ~~and~~, water quality, and the climate, including  
14.32 reduction in greenhouse gas emissions;

14.33 (4) coordinate the department's activities wherever appropriate with the activities  
14.34 of other governmental agencies;

15.1 (5) use technology where appropriate to increase agency productivity, improve  
15.2 customer service, increase public access to information about government, and increase  
15.3 public participation in the business of government;

15.4 (6) utilize constructive and cooperative labor-management practices to the extent  
15.5 otherwise required by chapters 43A and 179A;

15.6 (7) report to the legislature on the performance of agency operations and the  
15.7 accomplishment of agency goals in the agency's biennial budget according to section  
15.8 16A.10, subdivision 1; and

15.9 (8) recommend to the legislature appropriate changes in law necessary to carry out  
15.10 the mission and improve the performance of the department.

15.11 Sec. 21. **[174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.**

15.12 **Subdivision 1. Council established.** A Minnesota Council on Transportation  
15.13 Access is established to study, evaluate, oversee, and make recommendations to improve  
15.14 the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of  
15.15 transportation services provided to the transit public. "Transit public" means those persons  
15.16 who utilize public transit and those who, because of mental or physical disability, income  
15.17 status, or age are unable to transport themselves and are dependent upon others for  
15.18 transportation services.

15.19 **Subd. 2. Duties of council.** In order to accomplish the purposes in subdivision 1,  
15.20 the council shall adopt a biennial work plan that must incorporate the following activities:

15.21 (1) compile information on existing transportation alternatives for the transit public,  
15.22 and serve as a clearinghouse for information on services, funding sources, innovations,  
15.23 and coordination efforts;

15.24 (2) identify best practices and strategies that have been successful in Minnesota and  
15.25 in other states for coordination of local, regional, state, and federal funding and services;

15.26 (3) recommend statewide objectives for providing public transportation services  
15.27 for the transit public;

15.28 (4) identify barriers prohibiting coordination and accessibility of public  
15.29 transportation services and aggressively pursue the elimination of those barriers;

15.30 (5) recommend policies and procedures for coordinating local, regional, state, and  
15.31 federal funding and services for the transit public;

15.32 (6) identify stakeholders in providing services for the transit public, and seek input  
15.33 from them concerning barriers and appropriate strategies;

15.34 (7) recommend guidelines for developing transportation coordination plans  
15.35 throughout the state;

- 16.1 (8) encourage all state agencies participating in the council to purchase trips within  
16.2 the coordinated system;
- 16.3 (9) facilitate the creation and operation of transportation brokerages to match  
16.4 riders to the appropriate service, promote shared dispatching, compile and disseminate  
16.5 information on transportation options, and promote regional communication;
- 16.6 (10) encourage volunteer driver programs and recommend legislation to address  
16.7 liability and insurance issues;
- 16.8 (11) recommend minimum performance standards for delivery of services;
- 16.9 (12) identify methods to eliminate fraud and abuse in special transportation services;
- 16.10 (13) develop a standard method for addressing liability insurance requirements for  
16.11 transportation services purchased, provided, or coordinated;
- 16.12 (14) design and develop a contracting template for providing coordinated  
16.13 transportation services;
- 16.14 (15) recommend an interagency uniform contracting and billing and accounting  
16.15 system for providing coordinated transportation services;
- 16.16 (16) encourage the design and development of training programs for coordinated  
16.17 transportation services;
- 16.18 (17) encourage the use of public school transportation vehicles for the transit public;
- 16.19 (18) develop an allocation methodology that equitably distributes transportation  
16.20 funds to compensate units of government and all entities that provide coordinated  
16.21 transportation services;
- 16.22 (19) identify policies and necessary legislation to facilitate vehicle sharing; and
- 16.23 (20) advocate aggressively for eliminating barriers to coordination, implementing  
16.24 coordination strategies, enacting necessary legislation, and appropriating resources to  
16.25 achieve the council's objectives.
- 16.26 Subd. 3. **Membership.** (a) The council is comprised of the following 17 members:
- 16.27 (1) two members of the senate appointed by the Subcommittee on Committees of the  
16.28 Committee on Rules and Administration, one of whom must be a member of the minority;
- 16.29 (2) two members of the house of representatives, one appointed by the speaker of the  
16.30 house and one appointed by the minority leader;
- 16.31 (3) one representative from the Office of the Governor;
- 16.32 (4) one representative from the Council on Disability;
- 16.33 (5) one representative from the Minnesota Public Transit Association;
- 16.34 (6) the commissioner of transportation or a designee;
- 16.35 (7) the commissioner of human services or a designee;
- 16.36 (8) the commissioner of health or a designee;



17.1 (9) the chair of the Metropolitan Council or a designee;

17.2 (10) the commissioner of education or a designee;

17.3 (11) the commissioner of veterans affairs or a designee;

17.4 (12) one representative from the Board on Aging;

17.5 (13) the commissioner of employment and economic development or a designee;

17.6 (14) the commissioner of commerce or a designee; and

17.7 (15) the commissioner of finance or a designee.

17.8 (b) All appointments required by paragraph (a) must be completed by August  
17.9 1, 2010.

17.10 (c) The commissioner of transportation or a designee shall convene the first meeting  
17.11 of the council within two weeks after the members have been appointed to the council.

17.12 The members shall elect a chairperson from their membership at the first meeting.

17.13 (d) The Department of Transportation and the Department of Human Services shall  
17.14 provide necessary staff support for the council.

17.15 Subd. 4. **Report.** By January 15 of each year, beginning in 2012, the council shall  
17.16 report its findings, recommendations, and activities to the governor's office and to the  
17.17 chairs and ranking minority members of the legislative committees with jurisdiction  
17.18 over transportation, health, and human services, and to the legislature as provided under  
17.19 section 3.195.

17.20 Subd. 5. **Reimbursement.** Members of the council shall receive reimbursement  
17.21 of expenses as provided in section 15.059, subdivision 3.

17.22 Subd. 6. **Expiration.** This section expires June 30, 2014.

17.23 Sec. 22. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

17.24 **Subd. 5. Commuter Rail Corridor Coordinating Committee.** (a) A Commuter  
17.25 Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner  
17.26 on issues relating to the alternatives analysis, environmental review, advanced corridor  
17.27 planning, preliminary engineering, final design, implementation method, construction of  
17.28 commuter rail, public involvement, land use, service, and safety. The Commuter Rail  
17.29 Corridor Coordinating Committee shall consist of:

17.30 (1) one member representing each significant funding partner in whose jurisdiction  
17.31 the line or lines are located;

17.32 (2) one member appointed by each county in which the corridors are located;

17.33 (3) one member appointed by each city in which advanced corridor plans indicate  
17.34 that a station may be located;

18.1 (4) two members appointed by the commissioner, one of whom shall be designated  
18.2 by the commissioner as the chair of the committee;

18.3 (5) one member appointed by each metropolitan planning organization through  
18.4 which the commuter rail line may pass; ~~and~~

18.5 (6) one member appointed by the president of the University of Minnesota, if a  
18.6 designated corridor provides direct service to the university; and

18.7 (7) two ex-officio members who are members of labor organizations operating  
18.8 in, and with authority for, trains or rail yards or stations junctioning with freight and  
18.9 commuter rail lines on corridors, with one member appointed by the speaker of the house  
18.10 and the other member appointed by the senate Rules and Administration Subcommittee  
18.11 on Committees.

18.12 (b) A joint powers board existing on April 1, 1999, consisting of local governments  
18.13 along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in  
18.14 place of the committee.

18.15 (c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

18.16 Sec. 23. Minnesota Statutes 2008, section 219.01, is amended to read:

18.17 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

18.18 (a) The track safety standards of the United States Department of Transportation and  
18.19 Federal Railroad Administration apply to railroad trackage and are the standards for the  
18.20 determination of unsafe trackage within the state.

18.21 (b) The commissioner of transportation shall apply to the Federal Railroad  
18.22 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of  
18.23 2008 (the act), for (1) railroad safety technology grant funding available under section  
18.24 105 of the act and (2) development and installation of rail safety technology, including  
18.25 provision for switch position indicator signals in nonsignalized main track territory,  
18.26 under section 406 of the act. The commissioner shall respond and make application to  
18.27 the Federal Railroad Administration notice of funds availability under the Rail Safety  
18.28 Assurance Act in a timely manner and before the date of the program deadline to assure  
18.29 full consideration of the application. The commissioner shall (i) prioritize grant requests  
18.30 for the installation of switch indicator signals on all segments of nonsignalized track  
18.31 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in  
18.32 each year after 2010 until all nonsignalized track territory in the state has switch indicator  
18.33 signals installed and in operation.

18.34 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit  
18.35 grant requests from all eligible railroads. The commissioner shall submit written notice to

19.1 the chairs of the legislative committees with jurisdiction over transportation policy and  
19.2 finance of an acceptance by a class I or class II railroad of federal grant program funding  
19.3 for switch point indicator monitor systems.

19.4 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads  
19.5 shall provide all technical documentation requested by the commissioner and required by  
19.6 the Federal Railroad Administration for the applications under paragraph (b). Railroads  
19.7 are responsible for developing, acquiring, and installing all rail safety technology obtained  
19.8 under this section in accordance with requirements established by the Federal Railroad  
19.9 Administration.

19.10 Sec. 24. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision  
19.11 to read:

19.12 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad  
19.13 employees" means a motor carrier engaged in the for-hire transportation of railroad  
19.14 employees of a class I or II common carrier, as defined in Code of Federal Regulations,  
19.15 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with  
19.16 a common carrier, as defined in section 218.011, subdivision 10.

19.17 Sec. 25. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

19.18 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"  
19.19 means a service provided by a person engaged in the for-hire transportation of passengers  
19.20 in a vehicle designed to transport seven or fewer persons, including the driver.

19.21 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small  
19.22 vehicle passenger service" also includes for-hire transportation of persons who are certified  
19.23 by the Metropolitan Council to use special transportation service provided under section  
19.24 473.386, in a vehicle designed to transport not more than 15 persons including the driver,  
19.25 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

19.26 (c) Small vehicle passenger service does not include a motor carrier of railroad  
19.27 employees.

19.28 Sec. 26. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

19.29 (a) A motor carrier of railroad employees must meet the requirements specified in  
19.30 this section, is subject to section 221.291, and is otherwise exempt from the provisions  
19.31 of this chapter.

19.32 (b) A vehicle operator for a motor carrier of railroad employees who transports  
19.33 passengers must:

- 20.1 (1) have a valid driver's license under chapter 171; and  
20.2 (2) submit to a physical examination.
- 20.3 (c) The carrier must implement a policy that provides for annual training and  
20.4 certification of the operator in:
- 20.5 (1) safe operation of the vehicle transporting railroad employees;  
20.6 (2) knowing and understanding relevant laws, rules of the road, and safety policies;  
20.7 (3) handling emergency situations;  
20.8 (4) proper use of seat belts;  
20.9 (5) performance of pretrip and posttrip vehicle inspections, and inspection record  
20.10 keeping; and
- 20.11 (6) proper maintenance of required records.
- 20.12 (d) The carrier must:
- 20.13 (1) perform a background check or background investigation of the operator;  
20.14 (2) annually verify the operator's driver's license;  
20.15 (3) document meeting the requirements in this subdivision, and maintain the file  
20.16 at the carrier's business location;
- 20.17 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless  
20.18 of the seating capacity of the vehicle; and
- 20.19 (5) maintain uninsured and underinsured coverage in a minimum amount of  
20.20 \$1,000,000.
- 20.21 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad  
20.22 employees, then the insurance requirements may be satisfied by either that party or the  
20.23 motor carrier, so long as the motor carrier is a named insured or additional insured under  
20.24 any policy.
- 20.25 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,  
20.26 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to  
20.27 169A.53 of the implied consent law, or who is convicted of or has their driver's license  
20.28 revoked under a similar statute or ordinance of another state, may not operate a vehicle  
20.29 under this subdivision for five years from the date of conviction. A person who sustains a  
20.30 conviction of a moving offense in violation of chapter 169 within three years of the first  
20.31 of three other moving offenses may not operate a vehicle under this subdivision for one  
20.32 year from the date of the last conviction. A person who has ever been convicted of a  
20.33 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may  
20.34 not operate a vehicle under this subdivision.

21.1 (f) An operator who sustains a conviction as described in paragraph (e) while  
21.2 employed by the carrier shall report the conviction to the carrier within ten days of the  
21.3 date of the conviction.

21.4 (g) A carrier must implement a mandatory alcohol and controlled substance testing  
21.5 program as provided under sections 181.950 to 181.957 that consists of preemployment  
21.6 testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty  
21.7 testing, and follow-up testing.

21.8 (h) A motor carrier of railroad employees shall not allow or require a driver to drive  
21.9 or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours  
21.10 of combined on-duty time and drive time since last obtaining eight consecutive hours of  
21.11 off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive  
21.12 days. After 24 hours off duty, a driver begins a new seven consecutive day period and  
21.13 on-duty time is reset to zero.

21.14 (i) An operator who encounters an emergency and cannot, because of that  
21.15 emergency, safely complete a transportation assignment within the ten-hour maximum  
21.16 driving time permitted under paragraph (h), may drive for not more than two additional  
21.17 hours in order to complete that transportation assignment or to reach a place offering  
21.18 safety for the occupants of the vehicle and security for the transport motor vehicle, if the  
21.19 transportation assignment reasonably could have been completed within the ten-hour  
21.20 period absent the emergency.

21.21 (j) A carrier shall maintain and retain for a period of six months accurate time  
21.22 records that show the time the driver reports for duty each day; the total number of hours  
21.23 of on-duty time for each driver for each day; the time the driver is released from duty each  
21.24 day; and the total number of hours driven each day.

21.25 (k) For purposes of this subdivision, the following terms have the meanings given:

21.26 (1) "conviction" has the meaning given in section 609.02; and

21.27 (2) "on-duty time" means all time at a terminal, facility, or other property of a  
21.28 contract carrier or on any public property waiting to be dispatched. On-duty time includes  
21.29 time spent inspecting, servicing, or conditioning the vehicle.

21.30 **EFFECTIVE DATE.** Paragraph (d), clause (5), is effective July 1, 2011.

21.31 Sec. 27. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

21.32 Subd. 3. **Municipality.** "Municipality" does not include a county unless the county  
21.33 owns or controls an airport, in which case such county may exercise all the powers  
21.34 granted by said sections to other municipalities. It specifically includes a town, an airport

22.1 authority, the Metropolitan Airports Commission established and operated pursuant to  
22.2 chapter 473, and the state of Minnesota.

22.3 Sec. 28. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

22.4 Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may  
22.5 make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase  
22.6 homestead property located in a proposed state trunk highway right-of-way or project,  
22.7 and to provide relocation assistance. Acquiring authorities are authorized to accept the  
22.8 loans and to acquire the property. Except as provided in this subdivision, the loans shall  
22.9 be made as provided in subdivision 2. Loans shall be in the amount of the fair market  
22.10 value of the homestead property plus relocation costs and less salvage value. Before  
22.11 construction of the highway begins, the acquiring authority shall convey the property to  
22.12 the commissioner of transportation at the same price it paid, plus relocation costs and less  
22.13 its salvage value. Acquisition and assistance under this subdivision must conform to  
22.14 sections 117.50 to 117.56.

22.15 (b) The council may make ~~hardship~~ loans only when:

22.16 (1) the owner of affected homestead property requests acquisition and relocation  
22.17 assistance from an acquiring authority;

22.18 (2) federal or state financial participation is not available;

22.19 (3) the owner is unable to sell the homestead property at its appraised market  
22.20 value because the property is located in a proposed state trunk highway right-of-way or  
22.21 project as indicated on an official map or plat adopted under section 160.085, 394.361, or  
22.22 462.359; and

22.23 (4) the council agrees to and approves the fair market value of the homestead  
22.24 property, which approval shall not be unreasonably withheld; ~~and,~~

22.25 ~~(5) the owner of the homestead property is burdened by circumstances that constitute~~  
22.26 ~~a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by~~  
22.27 ~~the owner's employer to a distant site of employment; or inability of the owner to maintain~~  
22.28 ~~the property due to physical or mental disability or the permanent departure of children~~  
22.29 ~~from the homestead.~~

22.30 (c) For purposes of this subdivision, the following terms have the meanings given  
22.31 them.

22.32 (1) "Acquiring authority" means counties, towns, and statutory and home rule  
22.33 charter cities in the metropolitan area.

23.1 (2) "Homestead property" means (i) a single-family dwelling occupied by the owner,  
23.2 and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured home,  
23.3 as defined in section 327B.01, subdivision 13.

23.4 (3) "Salvage value" means the probable sale price of the dwelling and other property  
23.5 that is severable from the land if offered for sale on the condition that it be removed from  
23.6 the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge  
23.7 of the possible uses of the property, including separate use of serviceable components and  
23.8 scrap when there is no other reasonable prospect of sale.

23.9 Sec. 29. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

23.10 **Subd. 5. Use of public roadways and appurtenances.** The council may use for the  
23.11 purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision  
23.12 any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or  
23.13 other appurtenance of a roadway, without payment of any compensation, provided the  
23.14 use does not interfere unreasonably with the public use or maintenance of the roadway or  
23.15 appurtenance or entail any substantial additional costs for maintenance. The provisions of  
23.16 this subdivision do not apply to the property of any common carrier railroad or common  
23.17 carrier railroads. The consent of the public agency in charge of such state highway or other  
23.18 public highway or roadway or appurtenance is not required; except that if the council seeks  
23.19 to use a designated parkway for regular route service in the city of Minneapolis, it must  
23.20 obtain permission from and is subject to reasonable limitations imposed by a joint board  
23.21 consisting of two representatives from the council, two members of the board of park  
23.22 commissioners, and a fifth member jointly selected by the ~~representatives of the council~~  
23.23 ~~and the park~~ other members of the board. If the use is a designated Minneapolis parkway  
23.24 for regular route service adjacent to the city of Minneapolis, it must obtain permission  
23.25 from and is subject to reasonable limitations imposed by a joint board consisting of two  
23.26 representatives from the council, two members of the board of park commissioners, and a  
23.27 fifth member jointly selected by other members of the board. The joint board must include  
23.28 a nonvoting member appointed by the council of the city in which the parkway is located.

23.29 The board of park commissioners and the council may designate persons to sit on  
23.30 the joint board. In considering a request by the council to use designated parkways for  
23.31 additional routes or trips, the joint board consisting of the council or their designees,  
23.32 the board of park commissioners or their designees, and the fifth member, shall base its  
23.33 decision to grant or deny the request based on the criteria to be established by the joint  
23.34 board. The decision to grant or deny the request must be made within 45 days of the  
23.35 date of the request. The park board must be notified immediately by the council of any

24.1 temporary route detours. If the park board objects to the temporary route detours within  
24.2 five days of being notified, the joint board must convene and decide whether to grant the  
24.3 request, otherwise the request is deemed granted. If the agency objects to the proposed  
24.4 use or claims reimbursement from the council for additional cost of maintenance, it may  
24.5 commence an action against the council in the district court of the county wherein the  
24.6 highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings  
24.7 in the action must conform to the Rules of Civil Procedure applicable to the district courts.  
24.8 The court shall sit without jury. If the court determines that the use in question interferes  
24.9 unreasonably with the public use or maintenance of the roadway or appurtenance, it shall  
24.10 enjoin the use by the council. If the court determines that the use in question does not  
24.11 interfere unreasonably with the public use or maintenance of the roadway or appurtenance,  
24.12 but that it entails substantial additional maintenance costs, the court shall award judgment  
24.13 to the agency for the amount of the additional costs. Otherwise the court shall award  
24.14 judgment to the council. An aggrieved party may appeal from the judgment of the district  
24.15 court in the same manner as is provided for such appeals in other civil actions. The council  
24.16 may also use land within the right-of-way of any state highway or other public roadway  
24.17 for the erection of traffic control devices, other signs, and passenger shelters upon the  
24.18 conditions stated in this subdivision and subject only to the approval of the commissioner  
24.19 of transportation where required by statute, and subject to the express provisions of other  
24.20 applicable statutes and to federal requirements where necessary to qualify for federal aid.

24.21 Sec. 30. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

24.22 Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle  
24.23 at the request of a law enforcement officer shall have a lien on the motor vehicle for the  
24.24 value of the storage and towing and the right to retain possession of the motor vehicle  
24.25 until the lien is lawfully discharged. This section does not apply to tows ~~authorized~~  
24.26 ~~in section 169.041, subdivision 4, clause (1) of vehicles parked in violation of snow~~  
24.27 emergency regulations.

24.28 Sec. 31. Laws 2008, chapter 287, article 1, section 122, is amended to read:

24.29 Sec. 122. **NULLIFICATION OF EXPEDITED TOWN ROAD**  
24.30 **EXTINGUISHMENT.**

24.31 (a) Any extinguishment of town interest in a town road under Minnesota Statutes,  
24.32 section 164.06, subdivision 2, is hereby nullified if:

24.33 (1) the interest was not recorded or filed with the county recorder but was recorded  
24.34 or filed with the county auditor prior to 1972;



25.1 (2) the state or a political subdivision has constructed or funded a road or bridge  
25.2 improvement on a right-of-way affected by the interest;  
25.3 (3) the affected road was the only means of access to a property;  
25.4 (4) the extinguishment took place within the last ten years; and  
25.5 (5) a person whose only access to property was lost because of the extinguishment  
25.6 files a petition of a nullification with the town board stating that the person's property  
25.7 became landlocked because of the extinguishment and that the road satisfies all of the  
25.8 requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or  
25.9 recorded with the county auditor must be attached to the petition. The town shall file the  
25.10 petition with the county auditor and record it with the county recorder.

25.11 (b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and  
25.12 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to  
25.13 be a cartway. No additional damages or other payments may be required other than those  
25.14 paid at the time the fee interest was originally acquired and the order filed with the county  
25.15 auditor. A cartway created by this paragraph may be converted to a private driveway  
25.16 under Minnesota Statutes, section 164.08, subdivision 2.

25.17 (c) For purposes of this section, "affected road" means the road in which the town  
25.18 board extinguished its interest.

25.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.20 **Sec. 32. ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**  
25.21 **CITY OF FARMINGTON.**

25.22 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the  
25.23 commissioner of public safety, limiting sites for the office of deputy registrar based  
25.24 on either the distance to an existing deputy registrar office or the annual volume of  
25.25 transactions processed by any deputy registrar, the commissioner of public safety shall  
25.26 appoint a municipal deputy registrar of motor vehicles for the city of Farmington to  
25.27 operate a new full-service Office of Deputy Registrar, with full authority to function  
25.28 as a registration and motor vehicle tax collection bureau, at the city hall in the city of  
25.29 Farmington. All other provisions regarding the appointment and operation of a deputy  
25.30 registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota  
25.31 Rules, chapter 7406, apply to the office.

25.32 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
25.33 the governing body of the city of Farmington and its chief clerical officer timely complete  
25.34 their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

26.1       Sec. 33. **REPEALER.**

26.2             Minnesota Statutes 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3  
26.3 and 4; and 221.0355, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17,  
26.4 and 18, are repealed.