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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 605

February 9, 2009

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

1.1 A bill for an act
1.2 relating to transportation; modifying management, priorities, research, and
1.3 planning provisions related to Department of Transportation; requiring reports;
1.4 requiring modification of rules; amending Minnesota Statutes 2008, sections
1.5 43A.17, subdivision 4; 161.53; 165.03, by adding a subdivision; 174.02,
1.6 subdivisions 1a, 2; 174.03, subdivision 1a; proposing coding for new law in
1.7 Minnesota Statutes, chapters 162; 167.

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

1.9 Section 1. Minnesota Statutes 2008, section 43A.17, subdivision 4, is amended to read:

1.10 Subd. 4. **Exceptions.** (a) The commissioner may without regard to subdivision 1
1.11 establish special salary rates and plans of compensation designed to attract and retain
1.12 exceptionally qualified doctors of medicine and doctors of dental surgery. These rates
1.13 and plans shall be included in the commissioner's plan. In establishing salary rates and
1.14 eligibility for nomination for payment at special rates, the commissioner shall consider the
1.15 standards of eligibility established by national medical specialty boards where appropriate.
1.16 The incumbents assigned to these special ranges shall be excluded from the collective
1.17 bargaining process.

1.18 (b) The commissioner may without regard to subdivision 1, but subject to collective
1.19 bargaining agreements or compensation plans, establish special salary rates designed to
1.20 attract and retain exceptionally qualified employees in the following positions:

- 1.21 (1) information systems staff;
- 1.22 (2) actuaries in the Departments of Health, Human Services, and Commerce; ~~and~~
- 1.23 (3) epidemiologists in the Department of Health; and
- 1.24 (4) professional engineers under section 326.02 in the Department of Transportation.

1.25 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.1 Sec. 2. Minnesota Statutes 2008, section 161.53, is amended to read:

2.2 **161.53 RESEARCH ACTIVITIES.**

2.3 (a) The commissioner may set aside in each fiscal year up to two percent of the
 2.4 total amount of all funds appropriated to the commissioner other than county state-aid
 2.5 and municipal state-aid highway funds for transportation research including public and
 2.6 private research partnerships. The commissioner shall spend this money for (1) research
 2.7 to improve the design, construction, maintenance, management, and environmental
 2.8 compatibility of transportation systems; (2) research on transportation policies that
 2.9 enhance energy efficiency and economic development; (3) programs for implementing and
 2.10 monitoring research results; and (4) development of transportation education and outreach
 2.11 activities. The commissioner shall give serious consideration to spending a portion of
 2.12 the funds under this section for ongoing research into innovations in bridge-monitoring
 2.13 technology and bridge-inspection technology; bridge-inspection techniques and best
 2.14 practices; and, the cost-effectiveness of deferred or lower cost highway and bridge
 2.15 maintenance activities and its impacts on long-term trunk highway maintenance needs.

2.16 (b) Of all funds appropriated to the commissioner other than state-aid funds, the
 2.17 commissioner shall spend at least 0.1 percent, but not exceeding \$1,200,000 in any fiscal
 2.18 year, for research and related activities performed by the Center for Transportation Studies
 2.19 of the University of Minnesota. The center shall establish a technology transfer and
 2.20 training center for Minnesota transportation professionals.

2.21 **Sec. 3. [162.175] HIGHWAY AND BRIDGE PROJECT PRIORITIZATION.**

2.22 (a) The commissioner shall annually ensure, before releasing county state-aid
 2.23 highway funds or municipal state-aid street funds under this chapter to a county or city for
 2.24 that year, that the county or city has submitted to the commissioner a highway and bridge
 2.25 project prioritization briefing. At a minimum, the briefing must:

2.26 (1) summarize key priorities or strategic goals of the road authority in constructing,
 2.27 improving, and maintaining all streets and highways under its jurisdiction;

2.28 (2) identify criteria, including any performance targets or measures that the road
 2.29 authority uses to select highway projects; and

2.30 (3) outline the condition of (i) each fracture-critical bridge, including any plans for
 2.31 replacing or repairing the bridge, and (ii) any other bridges or highway segments under the
 2.32 jurisdiction of the road authority that pose significant safety concerns.

2.33 (b) Annually by February 1, the commissioner shall submit a report containing the
 2.34 briefings received under paragraph (a), and a list of any counties or cities that have not

3.1 submitted the briefing, to the chairs and ranking minority members of the senate and house
 3.2 of representatives committees with jurisdiction over transportation policy and finance.

3.3 (c) For purposes of this section, "jurisdiction" for counties includes town roads, and
 3.4 streets and highways in cities having a population under 5,000.

3.5 Sec. 4. Minnesota Statutes 2008, section 165.03, is amended by adding a subdivision
 3.6 to read:

3.7 Subd. 8. **Annual report on bridge inspection quality assurance.** Annually by
 3.8 February 1, the commissioner shall submit a report to the chairs and ranking minority
 3.9 members of the senate and house of representatives committees with jurisdiction over
 3.10 transportation policy and finance concerning quality assurance for bridge inspections.

3.11 At a minimum, the report must:

3.12 (1) summarize the bridge inspection quality assurance and quality control procedures
 3.13 used in Minnesota;

3.14 (2) identify any substantive changes to quality assurance and quality control
 3.15 procedures made in the past year;

3.16 (3) provide a briefing on findings from bridge inspection quality reviews performed
 3.17 in the past year;

3.18 (4) summarize the results of any bridge inspection compliance review by the United
 3.19 States Department of Transportation; and

3.20 (5) identify actions in response to the United State Department of Transportation
 3.21 compliance review taken by the department in order to reach full compliance.

3.22 Sec. 5. **[167.60] DEBT FINANCING MANAGEMENT POLICY.**

3.23 (a) By February 1, 2010, the commissioner shall develop a debt-financing
 3.24 management policy for trunk highway bonds, federal advanced construction funds,
 3.25 and other forms of highway financing based on debt or future repayment. The policy
 3.26 must be used by the department to guide decision making related to debt financing. The
 3.27 commissioner may update the policy as necessary. In developing and updating the policy,
 3.28 the commissioner shall consult with the commissioner of management and budget and
 3.29 the chairs and ranking minority members of the senate and house of representatives
 3.30 committees with jurisdiction over transportation finance.

3.31 (b) The debt-financing management policy must address relevant financial issues,
 3.32 including but not limited to:

3.33 (1) limits on cumulative amounts of debt for the trunk highway system from all
 3.34 state and federal sources;

- 4.1 (2) eligibility of projects for debt-financing funds;
 4.2 (3) allocation and use of funds;
 4.3 (4) terms of debt service and methods of repayment;
 4.4 (5) management of trunk highway fund balance impacts; and
 4.5 (6) mitigation of risks from different forms of debt financing.
 4.6 (c) Upon creation or formal revision of the debt-financing management policy, the
 4.7 commissioner shall distribute copies to the chairs and ranking minority members of the
 4.8 senate and house of representatives committees with jurisdiction over transportation
 4.9 finance, and as required for reports to the legislature under section 3.195, subdivision 1.

4.10 Sec. 6. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

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

- 4.14 (1) prevent the waste or unnecessary spending of public money;
 4.15 (2) use innovative fiscal and human resource practices to manage the state's
 4.16 resources and operate the department as efficiently as possible;
 4.17 (3) minimize the degradation of air and water quality;
 4.18 (4) coordinate the department's activities wherever appropriate with the activities
 4.19 of other governmental agencies;
 4.20 (5) use technology where appropriate to increase agency productivity, improve
 4.21 customer service, increase public access to information about government, and increase
 4.22 public participation in the business of government;
 4.23 (6) utilize constructive and cooperative labor-management practices to the extent
 4.24 otherwise required by chapters 43A and 179A;
 4.25 (7) ensure that the safety of Minnesota's transportation infrastructure is a primary
 4.26 priority;
 4.27 (8) report to the legislature on the performance of agency operations and the
 4.28 accomplishment of agency goals in the agency's biennial budget according to section
 4.29 16A.10, subdivision 1; and
 4.30 ~~(8)~~ (9) recommend to the legislature appropriate changes in law necessary to carry
 4.31 out the mission and improve the performance of the department.

4.32 Sec. 7. Minnesota Statutes 2008, section 174.02, subdivision 2, is amended to read:

4.33 Subd. 2. **Unclassified positions.** The commissioner may establish four positions
 4.34 in the unclassified service at the deputy and assistant commissioner, assistant to

5.1 commissioner or personal secretary levels. No more than two of these positions shall
 5.2 be at the deputy commissioner level. One of the positions of commissioner or deputy
 5.3 commissioner must serve as the chief engineer and be licensed as a professional engineer
 5.4 under section 326.02.

5.5 Sec. 8. Minnesota Statutes 2008, section 174.03, subdivision 1a, is amended to read:

5.6 Subd. 1a. **Revision of ~~state~~ statewide transportation plan.** (a) The commissioner
 5.7 shall revise the ~~state~~ statewide transportation plan by January 1, ~~1996, January 1, 2000~~
 5.8 2010, and, if the requirements of clauses (1) and (2) have been met in the previous
 5.9 revision, by January 1 of every third even-numbered year thereafter. Before final adoption
 5.10 of a revised plan, the commissioner shall hold a hearing to receive public comment on the
 5.11 preliminary draft of the revised plan. The revised ~~state~~ statewide transportation plan must:

5.12 (1) incorporate the goals of the state transportation system in section 174.01; ~~and~~
 5.13 (2) establish objectives, policies, and strategies for achieving those goals; ~~and~~
 5.14 (3) identify performance targets for measuring progress and achievement of
 5.15 transportation system goals, objectives, or policies.

5.16 (b) The commissioner shall include an analysis of each performance target identified
 5.17 under paragraph (a), clause (3), that fails to meet the target outcome, as previously
 5.18 measured or as projected for future years. The analysis must include, but is not limited to:

5.19 (1) a summary of previous year trend measurements;
 5.20 (2) a review of the failure or projected failure to meet the performance target; and
 5.21 (3) a timeline that contains an expected year for achievement of the target or an
 5.22 explanation of why the target is not expected to be achieved within the time frame of
 5.23 the statewide transportation plan.

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

5.25 Sec. 9. **REPORT ON DEPARTMENT OF TRANSPORTATION MANAGEMENT**
 5.26 **CHANGES.**

5.27 (a) By February 1, 2010, the commissioner of transportation shall submit a report
 5.28 to the chairs and ranking minority members of the senate and house of representatives
 5.29 committees with jurisdiction over transportation policy and finance concerning recent
 5.30 changes in the department's organizational structure, internal procedures and practices,
 5.31 and anticipated budget. The report must include, but is not limited to:

5.32 (1) a summary and review of the department organizational structure for bridge
 5.33 management, maintenance, and inspections, including a brief explanation of any relevant
 5.34 structural or organizational changes made since August 1, 2007;

6.1 (2) an analysis of the division of bridge-related duties and decision-making
6.2 responsibilities between districts and central administration;

6.3 (3) a summary of current agency procedures and processes, and any changes made
6.4 since August 1, 2007, related to:

6.5 (i) initiation of bridge re-rating and use of bridge inspection findings in the re-rating
6.6 process;

6.7 (ii) implementation of agencywide standards for documenting bridge inspection
6.8 findings and decision making for postinspection bridge maintenance; and

6.9 (iii) other changes designed to ensure or enhance the safety of Minnesota's
6.10 transportation infrastructure; and

6.11 (4) a budget analysis of anticipated funding and funding allocations for pavement
6.12 preservation and highway maintenance, safety projects, mobility enhancement projects,
6.13 and highway and bridge construction, for fiscal years 2011 through 2018, including a
6.14 discussion of any anticipated budgetary challenges or risks.

6.15 (b) In addition to a written report, the commissioner shall prepare a summary of
6.16 findings from the report for distribution and oral testimony to the legislature. The chairs of
6.17 the senate and house of representatives committees with jurisdiction over transportation
6.18 finance shall make every reasonable effort to arrange testimony from the department
6.19 during the 2010 legislative session.

6.20 **Sec. 10. RULEMAKING; BRIDGE INSPECTION FREQUENCY.**

6.21 (a) The commissioner of transportation shall amend Minnesota Rules, section
6.22 8810.9400, subpart 1, to establish a specific limit to the number of months that can
6.23 elapse between inspections of each bridge, unless a longer period is authorized by the
6.24 commissioner.

6.25 (b) The rules adopted by the commissioner under this section are exempt from the
6.26 rulemaking provisions of chapter 14. The rules are subject to Minnesota Statutes, section
6.27 14.386, except that notwithstanding paragraph (b) of Minnesota Statutes, section 14.386,
6.28 the rules continue in effect until repealed or superseded by other law or rule.

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