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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 1309

March 5, 2009

Authored by Lieder, Beard, Hornstein, Morrow and Hortman The bill was read for the first time and referred to the Committee on Finance

April 16, 2009

Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Ways and Means

A bill for an act

relating to transportation finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers and tort claims; authorizing an account and certain contingent appropriations; modifying previous appropriations provisions; modifying various provisions related to transportation finance and policy; modifying provisions related to speed limits, fracture-critical bridges, transit, passenger rail, motor vehicle lease sales tax revenue allocations, and transit services; requiring reports; amending Minnesota Statutes 2008, sections 161.081, by adding a subdivision; 161.36, subdivision 7, as added; 162.12, subdivision 2; 169.14, by adding a subdivision; 174.24, subdivision 1a, by adding a subdivision; 174.50, by adding a subdivision; 297A.815, subdivision 3; 473.408, by adding a subdivision; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, section 5; proposing coding for new law in Minnesota Statutes, chapters 161; 174.

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

ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

Table with 4 columns: Fund Name, 2010, 2011, Total. Rows include General, Airports, C.S.A.H., M.S.A.S., Special Revenue, and H.U.T.D.

2.1	<u>Trunk Highway</u>	<u>1,263,292,000</u>	<u>1,369,846,000</u>	<u>2,633,138,000</u>
2.2	<u>Total</u>	<u>\$ 2,076,156,000</u>	<u>\$ 2,208,289,000</u>	<u>\$ 4,284,445,000</u>

2.3 **Sec. 2. TRANSPORTATION APPROPRIATIONS.**

2.4 The sums shown in the columns marked "Appropriations" are appropriated to
 2.5 the agencies and for the purposes specified in this article. The appropriations are from
 2.6 the trunk highway fund, or another named fund, and are available for the fiscal years
 2.7 indicated for each purpose. The figures "2010" and "2011" used in this article mean that
 2.8 the appropriations listed under them are available for the fiscal year ending June 30, 2010,
 2.9 or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is
 2.10 fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the
 2.11 fiscal year ending June 30, 2009, are effective the day following final enactment.

2.12		<u>APPROPRIATIONS</u>	
2.13		<u>Available for the Year</u>	
2.14		<u>Ending June 30</u>	
2.15		<u>2010</u>	<u>2011</u>

2.16 **Sec. 3. DEPARTMENT OF**
 2.17 **TRANSPORTATION**

2.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 1,849,926,000</u>	<u>\$ 1,983,923,000</u>
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2.19	<u>Appropriations by Fund</u>		
2.20		<u>2010</u>	<u>2011</u>
2.21	<u>General</u>	<u>18,704,000</u>	<u>11,144,000</u>
2.22	<u>Airports</u>	<u>21,859,000</u>	<u>19,609,000</u>
2.23	<u>C.S.A.H.</u>	<u>496,786,000</u>	<u>524,478,000</u>
2.24	<u>M.S.A.S.</u>	<u>134,003,000</u>	<u>141,400,000</u>
2.25	<u>Trunk Highway</u>	<u>1,178,574,000</u>	<u>1,287,292,000</u>

2.26 The amounts that may be spent for each
 2.27 purpose are specified in the following
 2.28 subdivisions.

2.29 **Subd. 2. Multimodal Systems**

2.30	<u>(a) Airport Development and Assistance</u>	<u>16,548,000</u>	<u>14,298,000</u>
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2.31 This appropriation is from the state
 2.32 airports fund and must be spent according
 2.33 to Minnesota Statutes, section 360.305,
 2.34 subdivision 4.

3.1 Notwithstanding Minnesota Statutes, section
 3.2 16A.28, subdivision 6, this appropriation is
 3.3 available for five years after appropriation.
 3.4 If the appropriation for either year is
 3.5 insufficient, the appropriation for the other
 3.6 year is available for it.

3.7 **(b) Aviation Support and Services** 6,123,000 6,123,000

3.8	<u>Appropriations by Fund</u>		
3.9	<u>Airports</u>	<u>5,286,000</u>	<u>5,286,000</u>
3.10	<u>Trunk Highway</u>	<u>837,000</u>	<u>837,000</u>

3.11 \$65,000 the first year and \$65,000 the second
 3.12 year from the state airports fund are for the
 3.13 Civil Air Patrol.

3.14 **(c) Airport Development Appropriation**
 3.15 **Adjustments**

3.16 If an appropriation for airport development
 3.17 and assistance under paragraph (a) does
 3.18 not exhaust the balance in the state airports
 3.19 fund in the year for which it is made, the
 3.20 commissioner of finance, upon request of
 3.21 the commissioner of transportation, shall
 3.22 notify the chairs and ranking minority
 3.23 members of the senate and house of
 3.24 representatives committees with jurisdiction
 3.25 over transportation finance of the amount of
 3.26 the remainder and shall then add that amount
 3.27 to the appropriation. The amount added is
 3.28 appropriated as provided in paragraph (a).

3.29 If the appropriation for airport development
 3.30 and assistance under paragraph (a) or
 3.31 this paragraph does exhaust the balance
 3.32 in the state airports fund in the year for
 3.33 which it is made, the commissioner of
 3.34 finance shall notify the chairs and ranking
 3.35 minority members of the senate and house of

4.1 representatives committees with jurisdiction
 4.2 over transportation finance of the amount by
 4.3 which the appropriation exceeds the balance
 4.4 and shall then reduce that amount from the
 4.5 appropriation.

4.6 **(d) Transit** 18,549,000 10,989,000

	<u>Appropriations by Fund</u>	
4.7		
4.8	<u>General</u>	<u>17,774,000</u>
		<u>10,214,000</u>
4.9	<u>Trunk Highway</u>	<u>775,000</u>
		<u>775,000</u>

4.10 The base appropriation from the general fund
 4.11 for fiscal years 2012 and 2013 is \$17,774,000
 4.12 for each year.

4.13 **(e) Commuter and Passenger Rail** 500,000 500,000

4.14 This appropriation is from the general fund
 4.15 for (1) development of the comprehensive
 4.16 statewide freight and passenger rail plan
 4.17 under Minnesota Statutes, section 174.03,
 4.18 subdivision 1b, and (2) passenger rail
 4.19 system planning, alternatives analysis,
 4.20 environmental analysis, design, preliminary
 4.21 engineering, and land acquisition under
 4.22 Minnesota Statutes, sections 174.632 to
 4.23 174.636.

4.24 **(f) Freight** 5,262,000 5,262,000

	<u>Appropriations by Fund</u>	
4.25		
4.26	<u>General</u>	<u>365,000</u>
		<u>365,000</u>
4.27	<u>Trunk Highway</u>	<u>4,897,000</u>
		<u>4,897,000</u>

4.28 **Subd. 3. State Roads**

4.29 **(a) Infrastructure Operations and Maintenance** 250,457,000 242,651,000

4.30 The base appropriation for fiscal years 2012
 4.31 and 2013 is \$257,395,000 for each year.

4.32 **(b) Infrastructure Investment Support** 200,527,000 194,384,000

5.1 The base appropriation for fiscal years 2012
5.2 and 2013 is \$205,988,000 for each year.

5.3 Of the appropriation for fiscal year 2010,
5.4 \$390,000 is for engineering, signage, and
5.5 roadway marking related to speed limit
5.6 requirements under Minnesota Statutes,
5.7 section 169.14, subdivision 2a.

5.8 \$266,000 the first year and \$266,000 the
5.9 second year are available for grants to
5.10 metropolitan planning organizations outside
5.11 the seven-county metropolitan area.

5.12 \$75,000 the first year and \$75,000 the
5.13 second year are for a transportation research
5.14 contingent account to finance research
5.15 projects that are reimbursable from the
5.16 federal government or from other sources.

5.17 If the appropriation for either year is
5.18 insufficient, the appropriation for the other
5.19 year is available for it.

5.20 \$600,000 the first year and \$600,000
5.21 the second year are available for grants
5.22 for transportation studies outside the
5.23 metropolitan area to identify critical
5.24 concerns, problems, and issues. These
5.25 grants are available (1) to regional
5.26 development commissions; (2) in regions
5.27 where no regional development commission
5.28 is functioning, to joint powers boards
5.29 established under agreement of two or
5.30 more political subdivisions in the region to
5.31 exercise the planning functions of a regional
5.32 development commission; and (3) in regions
5.33 where no regional development commission
5.34 or joint powers board is functioning, to the
5.35 department's district office for that region.

6.1 **(c) State Road Construction** 557,300,000 612,700,000

6.2 The base appropriation for fiscal years 2012
6.3 and 2013 is \$635,000,000 for each year.

6.4 It is estimated that these appropriations will
6.5 be funded as follows:

6.6	<u>Appropriations by Fund</u>		
6.7	<u>Federal Highway</u>		
6.8	<u>Aid</u>	<u>301,100,000</u>	<u>388,500,000</u>
6.9	<u>Highway User Taxes</u>	<u>256,200,000</u>	<u>224,200,000</u>

6.10 This appropriation is for the actual
6.11 construction, reconstruction, and
6.12 improvement of trunk highways, including
6.13 design-build contracts and consultant usage
6.14 to support these activities. This includes the
6.15 cost of actual payment to landowners for
6.16 lands acquired for highway rights-of-way,
6.17 payment to lessees, interest subsidies, and
6.18 relocation expenses.

6.19 The commissioner of transportation shall
6.20 notify the chairs and ranking minority
6.21 members of the senate and house of
6.22 representatives committees with jurisdiction
6.23 over transportation finance of any significant
6.24 events that should cause these estimates to
6.25 change.

6.26 The commissioner may transfer up to
6.27 \$15,000,000 each year to the transportation
6.28 revolving loan fund.

6.29 The commissioner may receive money
6.30 covering other shares of the cost of
6.31 partnership projects. These receipts are
6.32 appropriated to the commissioner for these
6.33 projects.

6.34 **(d) Highway Debt Service** 100,598,000 169,752,000

7.1 \$85,945,000 the first year and \$153,656,000
 7.2 the second year are for transfer to the state
 7.3 bond fund. If this appropriation is insufficient
 7.4 to make all transfers required in the year for
 7.5 which it is made, the commissioner of finance
 7.6 shall notify the Committee on Finance of
 7.7 the senate and the Committee on Ways and
 7.8 Means of the house of representatives of
 7.9 the amount of the deficiency and shall then
 7.10 transfer that amount under the statutory open
 7.11 appropriation. Any excess appropriation
 7.12 cancels to the trunk highway fund.

7.13 **(e) Electronic Communications** 5,177,000 5,177,000

	<u>Appropriations by Fund</u>	
7.14	<u>General</u>	<u>9,000</u> <u>9,000</u>
7.15	<u>Trunk Highway</u>	<u>5,168,000</u> <u>5,168,000</u>

7.17 The general fund appropriation is to equip
 7.18 and operate the Roosevelt signal tower for
 7.19 Lake of the Woods weather broadcasting.

7.20 **Subd. 4. Local Roads**

7.21 **(a) County State Aids** 496,786,000 524,478,000

7.22 This appropriation is from the county
 7.23 state-aid highway fund and is available until
 7.24 spent.

7.25 **(b) Municipal State Aids** 134,003,000 141,400,000

7.26 This appropriation is from the municipal
 7.27 state-aid street fund and is available until
 7.28 spent.

7.29 **(c) State Aid Appropriation Adjustments**

7.30 If an appropriation for either county state
 7.31 aids or municipal state aids does not exhaust
 7.32 the balance in the fund from which it is
 7.33 made in the year for which it is made, the
 7.34 commissioner of finance, upon request of

8.1 the commissioner of transportation, shall
 8.2 notify the chairs and ranking minority
 8.3 members of the senate and house of
 8.4 representatives committees with jurisdiction
 8.5 over transportation finance of the amount of
 8.6 the remainder and shall then add that amount
 8.7 to the appropriation. The amount added is
 8.8 appropriated for the purposes of county state
 8.9 aids or municipal state aids, as appropriate.

8.10 If the appropriation for either county
 8.11 state aids or municipal state aids does
 8.12 exhaust the balance in the fund from
 8.13 which it is made in the year for which
 8.14 it is made, the commissioner of finance
 8.15 shall notify the chairs and ranking minority
 8.16 members of the senate and house of
 8.17 representatives committees with jurisdiction
 8.18 over transportation finance of the amount by
 8.19 which the appropriation exceeds the balance
 8.20 and shall then reduce that amount from the
 8.21 appropriation.

8.22 **Subd. 5. General Support and Services**

8.23 <u>(a) Department Support</u>	<u>40,735,000</u>	<u>39,388,000</u>
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8.24 <u>Appropriations by Fund</u>		
8.25 <u>Airports</u>	<u>25,000</u>	<u>25,000</u>
8.26 <u>Trunk Highway</u>	<u>40,710,000</u>	<u>39,363,000</u>

8.27 The base appropriation from the trunk
 8.28 highway fund in fiscal years 2012 and 2013
 8.29 is \$41,907,000 for each year.

8.30 <u>(b) Buildings</u>	<u>17,361,000</u>	<u>16,821,000</u>
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8.31 <u>Appropriations by Fund</u>		
8.32 <u>General</u>	<u>56,000</u>	<u>56,000</u>
8.33 <u>Trunk Highway</u>	<u>17,305,000</u>	<u>16,765,000</u>

9.1 The base appropriation from the trunk
9.2 highway fund in fiscal years 2012 and 2013
9.3 is \$17,784,000 for each year.

9.4 If the appropriation for either year is
9.5 insufficient, the appropriation for the other
9.6 year is available for it.

9.7 **Subd. 6. Transfers**

9.8 (a) With the approval of the commissioner of
9.9 finance, the commissioner of transportation
9.10 may transfer unencumbered balances
9.11 among the appropriations from the trunk
9.12 highway fund and the state airports fund
9.13 made in this section. No transfer may be
9.14 made from the appropriation for state road
9.15 construction. No transfer may be made
9.16 from the appropriations for debt service to
9.17 any other appropriation. Transfers under
9.18 this paragraph may not be made between
9.19 funds. Transfers between programs must
9.20 be reported immediately to the chairs and
9.21 ranking minority members of the senate and
9.22 house of representatives committees with
9.23 jurisdiction over transportation finance.

9.24 (b) The commissioner of finance shall
9.25 transfer from the flexible account in the
9.26 county state-aid highway fund \$8,440,000
9.27 the first year and \$1,550,000 the second year
9.28 to the municipal turnback account in the
9.29 municipal state-aid street fund.

9.30 **Subd. 7. Use of State Road Construction**
9.31 **Appropriations**

9.32 Any money appropriated to the commissioner
9.33 of transportation for state road construction
9.34 for any fiscal year before fiscal year
9.35 2010 is available to the commissioner

10.1 during the biennium to the extent that the
10.2 commissioner spends the money on the
10.3 state road construction project for which the
10.4 money was originally encumbered during the
10.5 fiscal year for which it was appropriated. The
10.6 commissioner of transportation shall report
10.7 to the commissioner of finance by August
10.8 1, 2009, and August 1, 2010, on a form
10.9 the commissioner of finance provides, on
10.10 expenditures made during the previous fiscal
10.11 year that are authorized by this subdivision.

10.12 **Subd. 8. Contingent Appropriation**

10.13 The commissioner of transportation may
10.14 request an appropriation of an unappropriated
10.15 balance in the trunk highway fund in the
10.16 biennium as provided under Minnesota
10.17 Statutes, section 161.358, for (1) trunk
10.18 highway design, construction, or inspection
10.19 in order to take advantage of an unanticipated
10.20 receipt of income to the trunk highway fund
10.21 or to take advantage of federal advanced
10.22 construction funding; (2) trunk highway
10.23 maintenance in order to meet an emergency;
10.24 or (3) payment of tort or environmental
10.25 claims.

10.26 Nothing in this subdivision authorizes the
10.27 commissioner to increase the use of federal
10.28 advanced construction funding beyond
10.29 amounts specifically authorized. Any
10.30 transfer as a result of the use of federal
10.31 advanced construction funding must include
10.32 an analysis of the effects on the long-term
10.33 trunk highway fund balance.

10.34 **Sec. 4. METROPOLITAN COUNCIL**

11.1 Subdivision 1. **Total Appropriation** \$ 75,186,000 \$ 75,186,000

11.2 The appropriations in this section are from
 11.3 the general fund.

11.4 The amounts that may be spent for each
 11.5 purpose are specified in the following
 11.6 subdivisions.

11.7 Subd. 2. **Bus Transit** 69,893,000 69,893,000

11.8 This appropriation is for bus system
 11.9 operations.

11.10 Of this appropriation, \$129,000 for fiscal
 11.11 year 2010 and \$140,000 for fiscal year 2011
 11.12 is for transit service for disabled veterans
 11.13 under Minnesota Statutes, section 473.408,
 11.14 subdivision 10.

11.15 Subd. 3. **Rail Operations** 5,293,000 5,293,000

11.16 This appropriation is for operations of the
 11.17 Hiawatha light rail transit line.

11.18 Sec. 5. **DEPARTMENT OF PUBLIC SAFETY**

11.19 Subdivision 1. **Total Appropriation** \$ 150,069,000 \$ 148,205,000

11.20	<u>Appropriations by Fund</u>		
11.21		<u>2010</u>	<u>2011</u>
11.22	<u>General</u>	<u>7,700,000</u>	<u>7,700,000</u>
11.23	<u>H.U.T.D.</u>	<u>9,413,000</u>	<u>9,713,000</u>
11.24	<u>Special Revenue</u>	<u>49,038,000</u>	<u>49,038,000</u>
11.25	<u>Trunk Highway</u>	<u>83,918,000</u>	<u>81,754,000</u>

11.26 The amounts that may be spent for each
 11.27 purpose are specified in the following
 11.28 subdivisions.

11.29 Subd. 2. **Administration and Related Services**

11.30 (a) **Office of Communications** 434,000 434,000

11.31	<u>Appropriations by Fund</u>		
11.32	<u>General</u>	<u>41,000</u>	<u>41,000</u>
11.33	<u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

12.1 **(b) Public Safety Support** 8,035,000 8,035,000

12.2 Appropriations by Fund

12.3 General 3,163,000 3,163,000

12.4 H.U.T.D. 1,366,000 1,366,000

12.5 Trunk Highway 3,506,000 3,506,000

12.6 \$380,000 the first year and \$380,000 the
 12.7 second year are appropriated from the general
 12.8 fund for payment of public safety officer
 12.9 survivor benefits under Minnesota Statutes,
 12.10 section 299A.44. If the appropriation for
 12.11 either year is insufficient, the appropriation
 12.12 for the other year is available for it.

12.13 \$1,367,000 the first year and \$1,367,000
 12.14 the second year are appropriated from the
 12.15 general fund to be deposited in the public
 12.16 safety officer's benefit account. This money
 12.17 is available for reimbursements under
 12.18 Minnesota Statutes, section 299A.465.

12.19 \$508,000 the first year and \$508,000 the
 12.20 second year are appropriated from the general
 12.21 fund for soft body armor reimbursements
 12.22 under Minnesota Statutes, section 299A.38.

12.23 \$792,000 the first year and \$792,000
 12.24 the second year are appropriated from the
 12.25 general fund for transfer by the commissioner
 12.26 of finance to the trunk highway fund on
 12.27 December 31, 2009, and December 31, 2010,
 12.28 respectively, in order to reimburse the trunk
 12.29 highway fund for expenses not related to the
 12.30 fund. These represent amounts appropriated
 12.31 out of the trunk highway fund for general
 12.32 fund purposes in the administration and
 12.33 related services program.

12.34 \$610,000 the first year and \$610,000 the
 12.35 second year are appropriated from the

13.1 highway user tax distribution fund for
 13.2 transfer by the commissioner of finance to
 13.3 the trunk highway fund on December 31,
 13.4 2009, and December 31, 2010, respectively,
 13.5 in order to reimburse the trunk highway
 13.6 fund for expenses not related to the fund.
 13.7 These represent amounts appropriated out
 13.8 of the trunk highway fund for highway
 13.9 user tax distribution fund purposes in the
 13.10 administration and related services program.

13.11 \$716,000 the first year and \$716,000 the
 13.12 second year are appropriated from the
 13.13 highway user tax distribution fund for
 13.14 transfer by the commissioner of finance to
 13.15 the general fund on December 31, 2009, and
 13.16 December 31, 2010, respectively, in order to
 13.17 reimburse the general fund for expenses not
 13.18 related to the fund. These represent amounts
 13.19 appropriated out of the general fund for
 13.20 operation of the criminal justice data network
 13.21 related to driver and motor vehicle licensing.

13.22 **(c) Technical Support Services** 3,835,000 3,835,000

13.23	<u>Appropriations by Fund</u>		
13.24	<u>General</u>	<u>1,472,000</u>	<u>1,472,000</u>
13.25	<u>H.U.T.D.</u>	<u>19,000</u>	<u>19,000</u>
13.26	<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>

13.27 **Subd. 3. State Patrol**

13.28 **(a) Patrolling Highways** 69,597,000 67,433,000

13.29	<u>Appropriations by Fund</u>		
13.30	<u>General</u>	<u>37,000</u>	<u>37,000</u>
13.31	<u>H.U.T.D.</u>	<u>92,000</u>	<u>92,000</u>
13.32	<u>Trunk Highway</u>	<u>69,468,000</u>	<u>67,304,000</u>

13.33 The base appropriation from the trunk
 13.34 highway fund for fiscal years 2012 and 2013
 13.35 is \$71,393,000 for each year.

14.1	<u>(b) Commercial Vehicle Enforcement</u>	<u>7,771,000</u>	<u>7,771,000</u>
14.2	<u>(c) Capitol Security</u>	<u>2,987,000</u>	<u>2,987,000</u>
14.3	<u>This appropriation is from the general fund.</u>		
14.4	<u>The commissioner may not (1) spend</u>		
14.5	<u>any money from the trunk highway fund</u>		
14.6	<u>for capitol security or (2) permanently</u>		
14.7	<u>transfer any state trooper from the patrolling</u>		
14.8	<u>highways activity to capitol security.</u>		
14.9	<u>The commissioner may not transfer any</u>		
14.10	<u>money (1) appropriated for Department of</u>		
14.11	<u>Public Safety administration, the patrolling of</u>		
14.12	<u>highways, commercial vehicle enforcement,</u>		
14.13	<u>or driver and vehicle services to capitol</u>		
14.14	<u>security or (2) from capitol security.</u>		
14.15	<u>Subd. 4. Driver and Vehicle Services</u>		
14.16	<u>(a) Vehicle Services</u>	<u>26,909,000</u>	<u>27,209,000</u>
14.17	<u>Appropriations by Fund</u>		
14.18	<u>Special Revenue</u>	<u>18,973,000</u>	<u>18,973,000</u>
14.19	<u>H.U.T.D.</u>	<u>7,936,000</u>	<u>8,236,000</u>
14.20	<u>The special revenue fund appropriation is</u>		
14.21	<u>from the vehicle services operating account.</u>		
14.22	<u>(b) Driver Services</u>	<u>28,712,000</u>	<u>28,712,000</u>
14.23	<u>Appropriations by Fund</u>		
14.24	<u>Special Revenue</u>	<u>28,711,000</u>	<u>28,711,000</u>
14.25	<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>
14.26	<u>The special revenue fund appropriation is</u>		
14.27	<u>from the driver services operating account.</u>		
14.28	<u>Subd. 5. Traffic Safety</u>	<u>435,000</u>	<u>435,000</u>
14.29	<u>Subd. 6. Pipeline Safety</u>	<u>1,354,000</u>	<u>1,354,000</u>
14.30	<u>This appropriation is from the pipeline safety</u>		
14.31	<u>account in the special revenue fund.</u>		

15.1 **Sec. 6. GENERAL CONTINGENT**
 15.2 **ACCOUNTS** **\$ 375,000 \$ 375,000**

15.3	<u>Appropriations by Fund</u>		
15.4	<u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
15.5	<u>H.U.T.D.</u>	<u>125,000</u>	<u>125,000</u>
15.6	<u>Airports</u>	<u>50,000</u>	<u>50,000</u>

15.7 The appropriations in this section from the
 15.8 trunk highway fund, the highway user tax
 15.9 distribution fund, and the state airports fund
 15.10 may only be spent upon approval as provided
 15.11 under Minnesota Statutes, section 161.358.

15.12 If an appropriation in this section for either
 15.13 year is insufficient, the appropriation for the
 15.14 other year is available for it.

15.15 **Sec. 7. TORT CLAIMS** **\$ 600,000 \$ 600,000**

15.16 This appropriation is to the commissioner of
 15.17 finance.

15.18 If the appropriation for either year is
 15.19 insufficient, the appropriation for the other
 15.20 year is available for it.

15.21 Sec. 8. Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended by
 15.22 Laws 2008, chapter 363, article 11, section 10, is amended to read:

15.23 **Subd. 2. Multimodal Systems**

15.24 **(a) Aeronautics**

15.25 **(1) Airport Development and Assistance** **20,298,000 5,298,000**

15.26 This appropriation is from the state airports
 15.27 fund and must be spent according to
 15.28 Minnesota Statutes, section 360.305,
 15.29 subdivision 4.

15.30 \$6,000,000 the first year is a onetime
 15.31 appropriation and does not add to the
 15.32 base appropriations. The base for this

16.1 appropriation for fiscal year 2010 is
 16.2 \$14,298,000.

16.3 Of this appropriation \$200,000 the first
 16.4 year is to the Legislative Coordinating
 16.5 Commission for the administrative expenses
 16.6 of the Airport Funding Advisory Task Force
 16.7 and for other costs relating to the preparation
 16.8 of the task force report, including the costs of
 16.9 hiring a consultant, if needed. Any remaining
 16.10 amount of this appropriation shall revert to
 16.11 the state airports fund.

16.12 Notwithstanding Minnesota Statutes, section
 16.13 16A.28, subdivision 6, this appropriation is
 16.14 available for five years after appropriation.

16.15 If the appropriation for either year is
 16.16 insufficient, the appropriation for the other
 16.17 year is available for it.

16.18 **(2) Aviation Support and Services**

16.19 Appropriations by Fund

16.20 Airports	5,184,000	5,286,000
16.21 Trunk Highway	852,000	866,000

16.22 \$65,000 the first year and \$65,000 the second
 16.23 year from the state airports fund are for the
 16.24 Civil Air Patrol.

16.25 **(b) Transit**

16.26 Appropriations by Fund

16.27		18,816,000
16.28 General	18,813,000	<u>26,376,000</u>
16.29 Trunk Highway	740,000	761,000

16.30 Of the appropriation in fiscal year 2009,
 16.31 \$7,560,000 may be expended for financial
 16.32 assistance under Minnesota Statutes, section
 16.33 174.24, notwithstanding the payment
 16.34 schedule under Minnesota Statutes, section
 16.35 174.24, subdivision 5.

17.1 (c) **Freight**

17.2 Appropriations by Fund

17.3	General	357,000	367,000
17.4	Trunk Highway	5,028,000	5,158,000

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

17.6 Sec. 9. Laws 2008, chapter 152, article 1, section 5, is amended to read:

17.7 **Sec. 5. APPROPRIATION; TRANSPORTATION EMERGENCY RELIEF.**

17.8 \$55,000,000 in fiscal year 2008 and ~~\$77,000,000~~ \$33,000,000 in fiscal year 2009
 17.9 are appropriated to the commissioner of transportation from the trunk highway fund for
 17.10 the purposes specified in the federal grants and aids related to the I-35W bridge collapse
 17.11 on marked Interstate Highway I-35W in Minneapolis. The appropriation in fiscal year
 17.12 2009 is available for other trunk highway construction projects. This appropriation is in
 17.13 addition to appropriations under Laws 2007, chapter 143, article 1, section 3, and Laws
 17.14 2007, First Special Session chapter 2, article 2, section 2.

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

17.16 **ARTICLE 2**

17.17 **TRANSPORTATION FINANCE AND POLICY**

17.18 Section 1. Minnesota Statutes 2008, section 161.081, is amended by adding a
 17.19 subdivision to read:

17.20 Subd. 4. **Metropolitan routes of regional significance account.** (a) For purposes
 17.21 of this subdivision, the following terms have the meanings given them:

17.22 (1) "metropolitan county" has the meaning given in section 473.121, subdivision
 17.23 4; and

17.24 (2) "population" has the meaning given in section 477A.011, subdivision 3, except
 17.25 that it excludes the three most populous cities in the metropolitan area.

17.26 (b) The metropolitan routes of regional significance account is created in the state
 17.27 treasury. Funds in the account are for allocation to metropolitan counties to assist in
 17.28 paying the costs of construction, reconstruction, or maintenance of county highways with
 17.29 statewide or regional significance that have not been fully funded through other state,
 17.30 federal, or local funding sources.

17.31 (c) The commissioner shall allocate funds in the account to each metropolitan county
 17.32 so that the county receives an amount proportional to the percentage that its population,

18.1 estimated or established by July 15 of the year prior to the current calendar year, bears to
18.2 the total population of the counties receiving funds under this subdivision.

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

18.4 **Sec. 2. [161.358] CONTINGENT APPROPRIATIONS.**

18.5 **Subdivision 1. Application.** This section only applies as specifically provided in
18.6 conjunction with a contingent appropriation under law, and provides for the commissioner
18.7 of transportation, or another named commissioner, to obtain appropriation authority from
18.8 the trunk highway fund, or another named fund, for transportation purposes.

18.9 **Subd. 2. Definition.** (a) For purposes of this section, the following term has the
18.10 meaning given.

18.11 (b) "Transportation Contingent Appropriations Group" or "TCAG" means a group
18.12 comprised of the following members:

18.13 (1) the members of the Legislative Advisory Commission under section 3.30; and

18.14 (2) the ranking minority members of the house of representatives and senate
18.15 committees with jurisdiction over transportation finance.

18.16 **Subd. 3. Appropriations process; request; hearings.** (a) To request an
18.17 appropriation under this section, the commissioner shall submit to members of the
18.18 Transportation Contingent Appropriations Group written notice and request for
18.19 appropriation authority. The notice must provide information on the appropriation
18.20 authority being sought, and request the written response of each TCAG member within
18.21 ten days of the date of notification.

18.22 (b) Upon request by any member of the Transportation Contingent Appropriations
18.23 Group for further information, the TCAG shall hold hearings on the requested
18.24 appropriation authority. A member must make the request for further information within
18.25 ten days of the date of notification under paragraph (a).

18.26 (c) The division chair of the finance committee with jurisdiction over transportation
18.27 finance in the senate and the division chair of the appropriate finance committee or
18.28 division with jurisdiction over transportation finance in the house of representatives shall
18.29 on an alternating basis chair the TCAG hearings. The TCAG shall conclude hearings and
18.30 provide written approval or disapproval of the request for appropriation authority within
18.31 six weeks of the date of notification.

18.32 **Subd. 4. Approval.** A member of the Transportation Contingent Appropriations
18.33 Group is deemed to approve the commissioner's request for appropriation authority if:

19.1 (1) no request for further information is made under subdivision 3, paragraph (b),
19.2 and that member does not respond with written disapproval within ten days of the date of
19.3 notification under subdivision 3, paragraph (a); or

19.4 (2) a request for further information is made, and that member does not respond with
19.5 written disapproval within six weeks of the date of notification.

19.6 Subd. 5. **Contingent appropriation.** Upon approval of the governor and the
19.7 approval of a minimum of five members of the Transportation Contingent Appropriations
19.8 Group, the funds requested under subdivision 3 are appropriated to the commissioner from
19.9 the trunk highway fund, or another named fund, and must be utilized in conformance
19.10 with the purposes specified.

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

19.12 Sec. 3. Minnesota Statutes 2008, section 161.36, subdivision 7, as added by Laws
19.13 2009, chapter 9, section 1, is amended to read:

19.14 Subd. 7. **Economic recovery funds.** (a) All federal funds made available as of April
19.15 2, 2009, to the commissioner under title XII of the American Recovery and Reinvestment
19.16 Act of 2009, Public Law 111-5 (the act), and designated for transportation purposes,
19.17 including but not limited to assistance for highways and bridges, transit, aeronautics,
19.18 ports, and railroads, are appropriated to the commissioner from the trunk highway fund or
19.19 the federal fund, as appropriate. ~~This appropriation includes any funds not initially made~~
19.20 ~~available to the commissioner under the act, including but not limited to competitive grant~~
19.21 ~~awards and funds made available in addition to the amount expected on the effective date~~
19.22 ~~of this section.~~ The money is available until expended.

19.23 (b) The commissioner may request an appropriation from the trunk highway fund
19.24 or the federal fund, as appropriate, as provided under section 161.358, for funds made
19.25 available to the commissioner under the act that are not appropriated in paragraph (a).

19.26 (c) The commissioner shall make every reasonable effort to seek and utilize all
19.27 funds available under title XII of the act.

19.28 ~~(e)~~ (d) The commissioner shall expend funds appropriated under this subdivision in
19.29 conformance with federal requirements established in association with use of the funds.
19.30 The commissioner may expend up to 17 percent of the funds for program delivery.

19.31 ~~(d)~~ (e) Notwithstanding section 360.305, subdivision 4, no local contribution is
19.32 required for eligible aeronautics project elements funded by a federal grant-in-aid through
19.33 the act.

19.34 ~~(e)~~ (f) Within two weeks of submitting each report to the United States Department
19.35 of Transportation as required for the federal aid under this subdivision, the commissioner

20.1 shall submit a corresponding report to the chairs and ranking members of the house of
20.2 representatives and senate committees with jurisdiction over transportation policy and
20.3 finance. The corresponding report must contain (1) a copy of the report submitted to
20.4 the United States Department of Transportation, and (2) information on the geographic
20.5 distribution of projects funded under this subdivision, which at a minimum specifies
20.6 the amount provided for highways and bridges, transit, aeronautics, ports, and railroads
20.7 within each of the department's districts.

20.8 Sec. 4. Minnesota Statutes 2008, section 162.12, subdivision 2, is amended to read:

20.9 Subd. 2. **Administrative costs.** A sum of ~~1-1/2~~ two percent shall be deducted from
20.10 the total available in the municipal state-aid street fund, set aside in a separate account,
20.11 and used for administration costs incurred by the state Transportation Department in
20.12 carrying out the provisions relating to the municipal state-aid street system.

20.13 Sec. 5. Minnesota Statutes 2008, section 169.14, is amended by adding a subdivision
20.14 to read:

20.15 Subd. 2a. **Increased speed limit when passing.** Notwithstanding subdivision 2, the
20.16 speed limit is increased by ten miles per hour over the posted speed limit when the driver:

20.17 (1) is on a two-lane highway having one lane for each direction of travel;

20.18 (2) is on a highway with a posted speed limit that is equal to or higher than 55
20.19 miles per hour;

20.20 (3) is overtaking and passing another vehicle proceeding in the same direction
20.21 of travel; and

20.22 (4) meets the requirements in section 169.18.

20.23 Sec. 6. Minnesota Statutes 2008, section 174.24, subdivision 1a, is amended to read:

20.24 Subd. 1a. **Transit service needs implementation plan.** The commissioner shall
20.25 develop a transit service needs implementation plan that contains a goal of meeting at
20.26 least 80 percent of unmet transit service needs in greater Minnesota by July 1, 2015, and
20.27 meeting at least 90 percent of unmet transit service needs in greater Minnesota by July 1,
20.28 2025. The plan must include, but is not limited to, the following: an analysis of ridership
20.29 and transit service needs throughout greater Minnesota; a calculation of unmet needs; an
20.30 assessment of the level and type of service required to meet unmet needs; an analysis of
20.31 costs and revenue options; and, a plan to reduce unmet transit service needs as specified
20.32 in this subdivision. The plan must specifically address special transportation service
20.33 ridership and needs. The plan must also provide that recipients of operating assistance

21.1 under this section provide public transit service without charge for disabled veterans in
21.2 accordance with subdivision 7. The commissioner may amend the plan as necessary, and
21.3 may use all or part of the 2001 greater Minnesota public transportation plan created by the
21.4 Minnesota Department of Transportation.

21.5 Sec. 7. Minnesota Statutes 2008, section 174.24, is amended by adding a subdivision
21.6 to read:

21.7 Subd. 7. **Transit service for disabled veterans.** On and after July 1, 2009,
21.8 an eligible recipient of operating assistance under this section, who contracts or has
21.9 contracted to provide public transit, shall provide public transit service free of charge for
21.10 veterans, as defined in section 197.447, certified as disabled. For purposes of this section,
21.11 "certified as disabled" means certified in writing by the United States Department of
21.12 Veterans Affairs or the state commissioner of veterans affairs as having a permanent
21.13 service-connected disability.

21.14 Sec. 8. Minnesota Statutes 2008, section 174.50, is amended by adding a subdivision
21.15 to read:

21.16 Subd. 6c. **Fracture-critical bridges.** (a) The commissioner may make a grant to
21.17 any political subdivision for replacement or rehabilitation of a fracture-critical bridge. To
21.18 be eligible for a grant under this subdivision, the project must produce a bridge structure:

21.19 (1) that is no longer classified as fracture critical, by having alternate load paths; and
21.20 (2) whose failure of a main component will not result in the collapse of the bridge.

21.21 (b) A grant under this subdivision is subject to the procedures and criteria established
21.22 under subdivisions 5 and 6.

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

21.24 Sec. 9. **[174.632] PASSENGER RAIL; COMMISSIONER'S DUTIES.**

21.25 (a) The planning, design, development, construction, operation, and maintenance of
21.26 passenger rail track, facilities, and services are governmental functions, serve a public
21.27 purpose, and are a matter of public necessity.

21.28 (b) The commissioner is responsible for all aspects of planning, designing,
21.29 developing, constructing, equipping, operating, and maintaining passenger rail, including
21.30 system planning, alternatives analysis, environmental studies, preliminary engineering,
21.31 final design, construction, negotiating with railroads, and developing financial and
21.32 operating plans.

22.1 (c) The commissioner may enter into a memorandum of understanding or agreement
22.2 with a public or private entity, including a regional railroad authority, a joint powers board,
22.3 and a railroad, to carry out these activities.

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

22.5 Sec. 10. **[174.634] PASSENGER RAIL; FUNDING.**

22.6 (a) The commissioner may apply for funding from federal, state, regional, local, and
22.7 private sources to carry out the commissioner's duties in section 174.632.

22.8 (b) Section 174.88, subdivision 2, does not apply to the commissioner's performance
22.9 of duties and exercise of powers under sections 174.632 to 174.636.

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

22.11 Sec. 11. **[174.636] PASSENGER RAIL; EXERCISE OF POWER.**

22.12 (a) The commissioner has all powers necessary to carry out the duties specified in
22.13 section 174.632. In the exercise of those powers, the commissioner may:

22.14 (1) acquire by purchase, gift, or by eminent domain proceedings as provided by law,
22.15 all land and property necessary to preserve future passenger rail corridors or to construct,
22.16 maintain, and improve passenger rail corridors;

22.17 (2) let all necessary contracts as provided by law; and

22.18 (3) make agreements with and cooperate with any governmental authority or private
22.19 entity to carry out statutory duties related to passenger rail.

22.20 (b) The commissioner shall consult with metropolitan planning organizations and
22.21 regional rail authorities in areas where passenger rail corridors are under consideration
22.22 to ensure that passenger rail services are integrated with existing rail and transit services
22.23 and other transportation facilities to provide as nearly as possible connected, efficient,
22.24 and integrated services.

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

22.26 Sec. 12. Minnesota Statutes 2008, section 297A.815, subdivision 3, is amended to read:

22.27 Subd. 3. **Motor vehicle lease sales tax revenue.** (a) For purposes of this
22.28 subdivision, "net revenue" means an amount equal to:

22.29 (1) the revenues, including interest and penalties, collected under this section, during
22.30 the fiscal year; less

22.31 (2) the estimated reduction in individual income tax receipts and the estimated
22.32 amount of refunds paid out under section 290.06, subdivision 34, for the fiscal year.

23.1 (b) On or before June 30 of each fiscal year, the commissioner of revenue shall
 23.2 estimate the amount of the revenues and subtraction under paragraph (a) for the current
 23.3 fiscal year.

23.4 (c) On or after July 1 of the subsequent fiscal year, the commissioner of finance shall
 23.5 transfer the net revenue as estimated in paragraph (b) from the general fund, as follows:

23.6 (1) 65 percent to the metropolitan area transit account;

23.7 (2) 50 25 percent to the greater Minnesota transit account; and

23.8 ~~(2) 50 percent to the county state-aid highway fund. Notwithstanding any other law~~
 23.9 ~~to the contrary, the commissioner of transportation shall allocate the funds transferred~~
 23.10 ~~under this clause to the counties in the metropolitan area, as defined in section 473.121,~~
 23.11 ~~subdivision 4, excluding the counties of Hennepin and Ramsey, so that each county shall~~
 23.12 ~~receive of such amount the percentage that its population, as defined in section 477A.011,~~
 23.13 ~~subdivision 3, estimated or established by July 15 of the year prior to the current calendar~~
 23.14 ~~year, bears to the total population of the counties receiving funds under this clause.~~

23.15 (3) ten percent to the metropolitan routes of regional significance account under
 23.16 section 161.081, subdivision 4.

23.17 (d) For fiscal years 2010 and 2011, the amount under paragraph (a), clause (1), must
 23.18 be calculated using the following percentages of the total revenues:

23.19 (1) for fiscal year 2010, 83.75 percent; and

23.20 (2) for fiscal year 2011, 93.75 percent.

23.21 Sec. 13. Minnesota Statutes 2008, section 473.408, is amended by adding a subdivision
 23.22 to read:

23.23 Subd. 10. **Transit service for disabled veterans.** (a) On and after the effective
 23.24 date of this section, the council shall provide regular route transit, as defined in section
 23.25 473.385, subdivision 1, free of charge for veterans, as defined in section 197.447, certified
 23.26 as disabled. For purposes of this section, "certified as disabled" means certified in writing
 23.27 by the United States Department of Veterans Affairs or the state commissioner of veterans
 23.28 affairs as having a permanent service-connected disability.

23.29 (b) The requirements under this subdivision apply to operators of regular route
 23.30 transit (1) receiving financial assistance under section 473.388, or (2) operating under
 23.31 section 473.405, subdivision 12.

23.32 Sec. 14. **FUND TRANSFERS; METROPOLITAN COUNCIL TRANSIT**
 23.33 **SERVICE.**

24.1 Subdivision 1. **Metropolitan livable communities fund.** (a) Notwithstanding
24.2 Minnesota Statutes, sections 473.25 to 473.255, or any other law, the Metropolitan Council
24.3 may transfer to its transit operating budget in 2009, 2010, and 2011, funds from:

24.4 (1) the revenues and amounts credited, transferred, or distributed to the metropolitan
24.5 livable communities fund accounts in 2009, 2010, and 2011 pursuant to Minnesota
24.6 Statutes, sections 473.252, 473.253, 473.254, and 473F.08, subdivision 3b, that are not
24.7 committed to grant or loan awards made by the council; and

24.8 (2) balances in the metropolitan livable communities fund accounts in 2009, 2010,
24.9 and 2011 that are not committed to grant or loan awards made by the council.

24.10 (b) The council may not transfer proceeds from solid waste bonds issued under
24.11 Minnesota Statutes, section 473.831, before August 1, 1992, for the purposes specified
24.12 in this section.

24.13 (c) The total amount transferred under paragraph (a) may not exceed \$1,000,000.

24.14 (d) If the council transfers funds under this subdivision, the council shall amend the
24.15 annual distribution plan described in Minnesota Statutes, section 473.25, paragraph (d),
24.16 and include information about the transfer in the annual report required under Minnesota
24.17 Statutes, section 473.25, paragraph (e).

24.18 Subd. 2. **Right-of-way acquisition loan fund.** (a) Notwithstanding Minnesota
24.19 Statutes, section 473.167, or any other law, the Metropolitan Council may transfer to its
24.20 transit operating budget in 2009, 2010, and 2011 funds from the amounts levied and
24.21 collected in 2009, 2010, and 2011 under Minnesota Statutes, section 473.167, subdivision
24.22 3.

24.23 (b) The total amount transferred under paragraph (a) may not exceed \$3,000,000.

24.24 Subd. 3. **Use of transferred funds.** The council shall use the amounts transferred
24.25 under subdivisions 1 and 2 to cover operating deficits for the transit, paratransit, and light
24.26 rail and commuter rail services provided or assisted by the council under Minnesota
24.27 Statutes, sections 473.371 to 473.449.

24.28 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
24.29 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
24.30 Scott, and Washington.

24.31 Sec. 15. **MAINTENANCE OF EFFORT.**

24.32 (a) On or after the effective date of this section, with transit, paratransit, and light
24.33 rail and commuter rail services provided by the Metropolitan Council under Minnesota
24.34 Statutes, sections 473.371 to 473.449, the council may not (1) increase fares, or (2) reduce

25.1 service, including but not limited to reducing the frequency of bus or rail service, or
25.2 eliminating existing routes.

25.3 (b) This section applies to transit operators receiving financial assistance from the
25.4 council under Minnesota Statutes, sections 473.384; 473.386; 473.388; and 473.405,
25.5 subdivision 12.

25.6 (c) This provision applies for calendar years 2009, 2010, and 2011.

25.7 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
25.8 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
25.9 Scott, and Washington.

25.10 **Sec. 16. PASSENGER RAIL REPORT.**

25.11 By February 1, 2010, the commissioner of transportation shall report to the chairs
25.12 and ranking minority members of the legislative committees with jurisdiction over
25.13 transportation policy and finance concerning the status of passenger rail in this state.
25.14 The report must be made electronically and made available in print only upon request.
25.15 The report must include a summary of the current status of passenger rail projects and
25.16 recommend:

25.17 (1) a public participation process for intercity passenger rail planning;

25.18 (2) appropriate participation and levels of review by local units of government;

25.19 (3) future sources of funding for capital costs and operations;

25.20 (4) definitions to distinguish passenger rail from commuter rail;

25.21 (5) legislative changes to facilitate and improve the passenger rail planning processes
25.22 and operation; and

25.23 (6) state operating subsidy mechanisms designed to create local tax equity between
25.24 communities served by passenger rail and communities served by commuter rail.

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

25.26 **Sec. 17. LAND USE AND PLANNING REPORT.**

25.27 (a) The Metropolitan Council shall transfer \$500,000 from the livable communities
25.28 demonstration account in the metropolitan livable communities fund to the Board of
25.29 Regents of the University of Minnesota for the Center for Transportation Studies to
25.30 develop the resources and report as provided in this section.

25.31 (b) By December 15, 2010, the Center for Transportation Studies shall develop
25.32 resources for use by local governments and the Metropolitan Council to identify land use
25.33 and transportation planning strategies and processes to support the reduction of greenhouse

26.1 gas emissions through the reduction of per capita vehicle miles driven. The resources must
26.2 take into account recent transportation trends, including travel and demographic trends
26.3 specific to the Twin Cities Metropolitan Area. The Center for Transportation Studies shall
26.4 identify and use existing information and models to the extent they are useful and accurate.
26.5 The Center for Transportation Studies shall collaborate with the Metropolitan Council and
26.6 local units of government interested in development and refinement of the resources.
26.7 (c) By January 15, 2011, the Center for Transportation Studies shall submit a
26.8 report on the resources and findings to the chairs and ranking minority members of the
26.9 house of representatives and senate committees having jurisdiction over transportation
26.10 policy and finance.