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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3084

- 03/13/2014 Authored by Bernardy
The bill was read for the first time and referred to the Committee on Transportation Policy
- 03/26/2014 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance
- 03/28/2014 Adoption of Report: Re-referred to the Committee on Ways and Means
- 04/08/2014 Adoption of Report: Placed on the General Register
Read Second Time
- 04/22/2014 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

A bill for an act

1.1 relating to transportation; eliminating certain reporting requirements; eliminating
 1.2 or modernizing antiquated, unnecessary, redundant, and obsolete provisions;
 1.3 making conforming changes; amending Minnesota Statutes 2012, sections
 1.4 12A.16, subdivision 5; 16A.633, subdivision 4; 16B.335, subdivision 1; 16B.51,
 1.5 subdivision 1; 161.082, subdivision 2a; 161.20, subdivision 2; 161.3410,
 1.6 subdivision 1; 161.3412, subdivision 2; 161.3414, subdivision 1; 161.3418,
 1.7 subdivision 2; 161.36, subdivision 7; 162.06, subdivision 3; 162.12, subdivision
 1.8 3; 162.13, subdivision 1; 165.09, subdivision 3; 169.86, subdivision 5; 173.02,
 1.9 subdivisions 6, 16; 173.13, subdivision 4; 174.02, subdivisions 6, 8; 174.06,
 1.10 subdivision 7; 174.30, subdivision 9; 174.40, subdivision 8; 174.66; 221.022;
 1.11 221.0252, subdivision 7; 221.026, subdivision 2; 221.031, subdivision 1; 221.036,
 1.12 subdivisions 1, 3; 302A.021, subdivision 10; 322B.02; 336.9-201; 360.015,
 1.13 subdivision 2; 360.511, subdivision 4; 360.55, subdivision 4; 360.59, subdivision
 1.14 7; Laws 2013, chapter 117, article 1, section 3, subdivision 7; repealing
 1.15 Minnesota Statutes 2012, sections 160.27, subdivision 3; 160.283, subdivision 1;
 1.16 161.05; 161.06; 161.07; 161.08, subdivision 1; 161.082, subdivision 3; 161.1231,
 1.17 subdivisions 3, 9; 161.13; 161.161; 161.201; 161.22; 161.31, subdivision 2;
 1.18 161.3205; 161.3428; 161.51; 162.02, subdivision 2; 162.06, subdivision 6;
 1.19 162.065; 162.08, subdivision 3; 162.09, subdivision 3; 162.12, subdivision 5;
 1.20 162.125; 163.07, subdivision 3; 164.041; 164.05; 165.09, subdivision 5; 165.11;
 1.21 165.13; 169.16; 169.835; 169.867; 173.0845; 173.085; 174.02, subdivision
 1.22 7; 174.05; 174.06, subdivision 8; 174.19; 174.256, subdivision 5; 174.50,
 1.23 subdivisions 6a, 6b; 181.28; 181.29; 181.30; 218.021; 218.031, subdivisions 1, 3,
 1.24 4, 5, 6, 7, 8, 9, 10; 218.041, subdivisions 1, 2, 7; 219.55; 219.562, subdivisions 1,
 1.25 1a, 3, 4; 219.565; 219.566; 221.123; 221.151, subdivision 1; 221.241; 221.295;
 1.26 222.04; 222.06; 222.07; 222.08; 222.09; 222.10; 222.11; 222.12; 222.13;
 1.27 222.141; 222.15; 222.16; 222.17; 222.18; 222.19; 222.20; 222.21; 222.22;
 1.28 222.23; 222.24; 222.25; 222.28; 222.31; 222.32; 222.35; 360.013, subdivision
 1.29 59; 360.015, subdivisions 11a, 17, 19; 360.55, subdivision 7; Minnesota Statutes
 1.30 2013 Supplement, section 174.03, subdivision 1d.

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

ARTICLE 1

OBSOLETE, UNNECESSARY, OR REDUNDANT PROVISIONS

Section 1. Minnesota Statutes 2012, section 16A.633, subdivision 4, is amended to read:

Subd. 4. **Report on jobs created or retained.** By September 1 of each odd-numbered year, the commissioner must report to legislative committees with jurisdiction over capital investment on the jobs created or retained as a result of capital project funding by the state, whether with state general obligation bond proceeds or other state funding sources, during the previous biennium. Each state agency must provide the commissioner the information necessary, and must require its capital project grantees to provide the information necessary, for the commissioner to make the report. The report must include, but is not limited to, the following information: the number and types of jobs for each project, whether the jobs are new or retained, where the jobs are located, and pay ranges of the jobs. The Board of Regents of the University of Minnesota, the Board of Trustees of the Minnesota State Colleges and Universities, and each state agency receiving an appropriation for a capital project shall collect and provide the information at the time and in the manner required by the commissioner. This subdivision does not apply to Department of Transportation state-aid projects valued less than \$5,000,000.

Sec. 2. Minnesota Statutes 2012, section 16B.335, subdivision 1, is amended to read:

Subdivision 1. **Construction and major remodeling.** (a) The commissioner, or any other recipient to whom an appropriation is made to acquire or better public lands or buildings or other public improvements of a capital nature, must not prepare final plans and specifications for any construction, major remodeling, or land acquisition in anticipation of which the appropriation was made until the agency that will use the project has presented the program plan and cost estimates for all elements necessary to complete the project to the chair of the senate Finance Committee and the chair of the house of representatives Ways and Means Committee and the chairs have made their recommendations, and the chair of the house of representatives Capital Investment Committee is notified. "Construction or major remodeling" means construction of a new building, a substantial addition to an existing building, or a substantial change to the interior configuration of an existing building. The presentation must note any significant changes in the work that will be done, or in its cost, since the appropriation for the project was enacted or from the predesign submittal. The program plans and estimates must be presented for review at least two weeks before a recommendation is needed. The recommendations are advisory only. Failure or refusal to make a recommendation is considered a negative recommendation.

3.1 The chairs of the senate Finance Committee and the house of representatives Capital
3.2 Investment and Ways and Means Committees must also be notified whenever there is a
3.3 substantial change in a construction or major remodeling project, or in its cost.

3.4 (b) Capital projects exempt from the requirements of this subdivision include
3.5 demolition or decommissioning of state assets, hazardous material projects, utility
3.6 infrastructure projects, environmental testing, parking lots, parking structures, park and
3.7 ride facilities, bus rapid transit stations, light rail lines, passenger rail projects, exterior
3.8 lighting, fencing, highway rest areas, truck stations, storage facilities not consisting
3.9 primarily of offices or heated work areas, roads, bridges, trails, pathways, campgrounds,
3.10 athletic fields, dams, floodwater retention systems, water access sites, harbors, sewer
3.11 separation projects, water and wastewater facilities, port development projects for which
3.12 the commissioner of transportation has entered into an assistance agreement under section
3.13 457A.04, ice centers, a local government project with a construction cost of less than
3.14 \$1,500,000, or any other capital project with a construction cost of less than \$750,000.

3.15 Sec. 3. Minnesota Statutes 2012, section 161.082, subdivision 2a, is amended to read:

3.16 Subd. 2a. **Town bridges and culverts; town road account.** (a) Money in the
3.17 town bridge account must be expended on town road bridge structures that are ten feet
3.18 or more in length and on town road culverts that replace existing town road bridges. In
3.19 addition, if the present bridge structure is less than ten feet in length but a hydrological
3.20 survey indicates that the replacement bridge structure or culvert must be ten feet or more
3.21 in length, then the bridge or culvert is eligible for replacement funds.

3.22 ~~(b) In addition, if a culvert that replaces a deficient bridge is in a county~~
3.23 ~~comprehensive water plan approved by the Board of Water and Soil Resources and the~~
3.24 ~~Department of Natural Resources, the costs of the culvert and roadway grading other than~~
3.25 ~~surfacing are eligible for replacement funds up to the cost of constructing a replacement~~
3.26 ~~bridge.~~

3.27 ~~(c) The expenditures on a bridge structure or culvert may be paid from the county~~
3.28 ~~turnback account and may be for 100 percent of the cost of the replacement structure or~~
3.29 ~~culvert or for 100 percent of the cost of rehabilitating the existing structure.~~

3.30 ~~(d)~~ (b) The town bridge account may be used to pay the costs to abandon an existing
3.31 bridge that is deficient and in need of replacement, but where no replacement will be
3.32 made. It may also be used to pay the costs to construct a road or street to facilitate the
3.33 abandonment of an existing bridge determined by the commissioner to be deficient, if the
3.34 commissioner determines that construction of the road or street is more cost-efficient
3.35 than replacing the existing bridge.

4.1 ~~(e)~~ (c) When bridge approach construction work exceeds \$10,000 in costs, or when
4.2 the county engineer determines that the cost of the replacement culverts alone will not
4.3 exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for
4.4 financial assistance from the town bridge account. Financial assistance shall be requested
4.5 by resolution of the county board and shall be limited to:

4.6 (1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000;

4.7 (2) 100 percent of the cost of the replacement culverts when the cost does not
4.8 exceed \$20,000 and the town board agrees to be responsible for all the other costs, which
4.9 may include costs for structural removal, installation, and permitting. The replacement
4.10 structure design and costs shall be approved and certified by the county engineer, but need
4.11 not be subsequently approved by the Department of Transportation; or

4.12 (3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of
4.13 towns with a net tax capacity of less than \$300,000, 100 percent of the engineering costs.

4.14 ~~(f)~~ (d) Money in the town road account must be distributed as provided in section
4.15 162.081.

4.16 Sec. 4. Minnesota Statutes 2012, section 161.20, subdivision 2, is amended to read:

4.17 Subd. 2. **Property acquisition; agreements and contracts.** (a) The commissioner
4.18 is authorized:

4.19 (1) to acquire by purchase, gift, or by eminent domain proceedings as provided
4.20 by law, in fee or such lesser estate as the commissioner deems necessary, all lands and
4.21 properties necessary in preserving future trunk highway corridors or in laying out,
4.22 constructing, maintaining, and improving the trunk highway system including recreational
4.23 vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway
4.24 system; to purchase all road material, machinery, tools, and supplies necessary for the
4.25 construction, maintenance, and improvement thereof; to construct necessary buildings, or
4.26 rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for
4.27 the storing and housing of such material, machinery, tools, and supplies or necessary for
4.28 office space for employees ~~or for providing for driver's license examinations~~; to maintain,
4.29 repair, or remodel such buildings as may be necessary;

4.30 (2) to acquire by purchase, gift, or condemnation, replacement sites for historically
4.31 significant buildings or structures and to relocate these buildings or structures onto those
4.32 sites, reconstructing and maintaining them until disposed of through public sale to the
4.33 highest responsible bidder;

4.34 (3) to make agreements with any county for the relocation or reestablishment, by
4.35 the county, of section, quarter section, or meander corners originally established by the

5.1 United States, when such relocation or reestablishment is necessary in order to write land
5.2 acquisition descriptions or by reason of the construction, reconstruction, improvement, or
5.3 maintenance of a trunk highway;

5.4 (4) to contract on an equitable basis with railroad companies for the installation and
5.5 reinstallation of safety devices at trunk highway-railroad grade crossings, and for the
5.6 construction, reconstruction, and maintenance of bridges and approaches existing or
5.7 necessary for the separation of grades at railroad and trunk highway intersections; and

5.8 (5) in carrying out duties, to let all necessary contracts in the manner prescribed
5.9 by law.

5.10 (b) The commissioner may make agreements with and cooperate with any
5.11 governmental authority for the purpose of effectuating the provisions of this chapter.

5.12 Sec. 5. Minnesota Statutes 2012, section 161.36, subdivision 7, is amended to read:

5.13 Subd. 7. **Economic recovery funds.** (a) All federal funds made available to
5.14 the commissioner under title XII of the American Recovery and Reinvestment Act of
5.15 2009, Public Law 111-5, and designated for transportation purposes, including but not
5.16 limited to assistance for highways and bridges, transit, aeronautics, ports, and railroads,
5.17 are appropriated to the commissioner from the trunk highway fund or the federal fund,
5.18 as appropriate. This appropriation includes any funds not initially made available to the
5.19 commissioner under the act, including but not limited to competitive grant awards and
5.20 funds made available in addition to the amount expected on April 2, 2009. The money is
5.21 available until expended.

5.22 (b) The commissioner shall make every reasonable effort to seek and utilize all
5.23 funds available under title XII of the act.

5.24 (c) The commissioner shall expend funds appropriated under this subdivision in
5.25 conformance with federal requirements established in association with use of the funds.
5.26 The commissioner may expend up to 17 percent of the funds for program delivery.

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

5.29 ~~(e) Within two weeks of submitting each report to the United States Department of~~
5.30 ~~Transportation as required for the federal aid under this subdivision, the commissioner~~
5.31 ~~shall submit a corresponding report to the chairs and ranking members of the house of~~
5.32 ~~representatives and senate committees with jurisdiction over transportation policy and~~
5.33 ~~finance. The corresponding report must contain (1) a copy of the report submitted to~~
5.34 ~~the United States Department of Transportation, and (2) information on the geographic~~
5.35 ~~distribution of projects funded under this subdivision, which at a minimum specifies~~

6.1 ~~the amount provided for highways and bridges, transit, aeronautics, ports, and railroads~~
6.2 ~~within each of the department's districts.~~

6.3 Sec. 6. Minnesota Statutes 2012, section 162.06, subdivision 3, is amended to read:

6.4 Subd. 3. **Disaster account.** (a) After deducting administrative costs as provided
6.5 in subdivision 2, the commissioner shall set aside each year one percent of the amount
6.6 available to provide for a disaster account; provided that the total amount of money in the
6.7 disaster account must never exceed two percent of the total sums to be apportioned to the
6.8 counties. The money must be used to provide aid to any county encountering disasters
6.9 or unforeseen events affecting its county state-aid highway system, and resulting in an
6.10 undue and burdensome financial hardship.

6.11 (b) Any county desiring aid by reason of disaster or unforeseen event shall request
6.12 the aid in the form required by the commissioner. Upon receipt of the request, the
6.13 commissioner shall appoint a board consisting of two representatives of the counties, who
6.14 must be either a county engineer or member of a county board, from counties other than the
6.15 requesting county, and a representative of the commissioner. The board shall investigate
6.16 the matter and report its findings and recommendations in writing to the commissioner.

6.17 (c) Final determination of the amount of aid, if any, to be paid to the county from the
6.18 disaster account must be made by the commissioner. Upon determining to aid a requesting
6.19 county, the commissioner shall certify ~~to the commissioner of management and budget~~
6.20 ~~the amount of the aid, and the commissioner of management and budget shall then issue~~
6.21 ~~a warrant in that~~ the amount payable to the county treasurer of the county. Money so
6.22 paid must be expended on the county state-aid highway system in accordance with the
6.23 rules of the commissioner.

6.24 Sec. 7. Minnesota Statutes 2012, section 162.12, subdivision 3, is amended to read:

6.25 Subd. 3. **Disaster account.** (a) After deducting administrative costs as provided in
6.26 subdivision 2, the commissioner shall set aside each year a sum of money equal to two
6.27 percent of the remaining money in the municipal state-aid street fund to provide for a
6.28 disaster account; provided, that the total amount of money in the disaster account must
6.29 never exceed three percent of the total sums to be apportioned to the statutory and home
6.30 rule charter cities having a population of 5,000 or more. The disaster account must be
6.31 used to provide aid to any city encountering disaster or unforeseen event affecting the
6.32 municipal state-aid street system of the city, and resulting in an undue and burdensome
6.33 financial hardship.

7.1 (b) Any city desiring aid by reason of disaster or unforeseen event shall request aid
 7.2 in the form required by the commissioner. Upon receipt of the request the commissioner
 7.3 shall appoint a board consisting of two representatives of the cities, who must be either
 7.4 a city engineer or member of the governing body of a city, from cities other than the
 7.5 requesting city, and a representative of the commissioner. The board shall investigate the
 7.6 matter and report its findings and recommendations in writing to the commissioner.

7.7 (c) Final determination of the amount of aid, if any, to be paid to the city from the
 7.8 disaster account must be made by the commissioner. Upon determining to aid the city, the
 7.9 commissioner shall certify to the commissioner of management and budget the amount of
 7.10 aid, and the commissioner of management and budget shall then issue a warrant in that the
 7.11 amount payable to the fiscal officer of the city. Money so paid must be expended on the
 7.12 municipal state-aid street system in accordance with rules of the commissioner.

7.13 Sec. 8. Minnesota Statutes 2012, section 162.13, subdivision 1, is amended to read:

7.14 Subdivision 1. **Factors in formula.** After deducting for administrative costs and for
 7.15 the disaster fund and research account as heretofore provided, ~~and for any allocation made~~
 7.16 ~~under section 162.125,~~ the remainder of the total sum provided for in section 162.12,
 7.17 ~~subdivision 1 of section 162.12,~~ shall be identified as the apportionment sum, and shall be
 7.18 apportioned by the commissioner to the cities having a population of 5,000 or more, in
 7.19 accordance with the following formula:

7.20 (1) An amount equal to 50 percent of such apportionment sum shall be apportioned
 7.21 among the cities having a population of 5,000 or more so that each such city shall receive
 7.22 of such amount the percentage that its money needs bears to the total money needs of
 7.23 all such cities.

7.24 (2) An amount equal to 50 percent of such apportionment sum shall be apportioned
 7.25 among the cities having a population of 5,000 or more so that each such city shall receive
 7.26 of such amount the percentage that its population bears to the total population of all such
 7.27 cities. For purposes of this subdivision, the population of a city is the greater of 5,000 or the
 7.28 number calculated under section 162.09, subdivision 4, paragraph (a), (b), (c), (d), or (e).

7.29 Sec. 9. Minnesota Statutes 2012, section 165.09, subdivision 3, is amended to read:

7.30 Subd. 3. **Bridge over Minnesota River or Mississippi River.** Before any bridge is
 7.31 erected over the Minnesota River or Mississippi River, the location and plan thereof shall
 7.32 be approved by the commissioner. ~~Bridges over the Minnesota River below the city of~~
 7.33 ~~Chaska shall be built with a suitable draw of not less than 80 feet opening or, in lieu of~~

8.1 ~~such opening, built at such clear height above the ordinary high-water stage as will be~~
8.2 ~~sufficient to accommodate the ordinary navigation of the river.~~

8.3 Sec. 10. Minnesota Statutes 2012, section 173.13, subdivision 4, is amended to read:

8.4 Subd. 4. **Fees.** The annual fee for each such permit or renewal thereof shall be
8.5 as follows:

8.6 (a) If the advertising area of the advertising device does not exceed 50 square feet,
8.7 the fee shall be \$30.

8.8 (b) If the advertising area exceeds 50 square feet but does not exceed 300 square
8.9 feet, the fee shall be \$60.

8.10 (c) If the advertising area exceeds 300 square feet, the fee shall be \$120.

8.11 (d) No fee shall be charged for a permit for official signs and notices as they are
8.12 defined in section 173.02, ~~except that a fee may be charged for a star city sign erected~~
8.13 ~~under section 173.085.~~

8.14 Sec. 11. Minnesota Statutes 2012, section 174.02, subdivision 6, is amended to read:

8.15 Subd. 6. **Agreements, receipts, appropriation.** To facilitate the implementation
8.16 of intergovernmental efficiencies, effectiveness, and cooperation, and to promote and
8.17 encourage economic and technological development in transportation matters within and
8.18 between governmental and nongovernmental entities:

8.19 (a) The commissioner may enter into agreements with other governmental or
8.20 nongovernmental entities for research and experimentation; for sharing facilities,
8.21 equipment, staff, data, or other means of providing transportation-related services; or for
8.22 other cooperative programs that promote efficiencies in providing governmental services
8.23 or that further development of innovation in transportation for the benefit of the citizens
8.24 of Minnesota.

8.25 (b) In addition to funds otherwise appropriated by the legislature, the commissioner
8.26 may accept and spend funds received under any agreement authorized in paragraph

8.27 (a) for the purposes set forth in that paragraph, ~~subject to a report of receipts to the~~
8.28 ~~commissioner of management and budget at the end of each fiscal year and, if receipts~~
8.29 ~~from the agreements exceed \$100,000 in a fiscal year, the commissioner shall also notify~~
8.30 ~~the governor and the Committee on Finance of the senate and the Committee on Ways~~
8.31 ~~and Means of the house of representatives.~~

8.32 (c) Funds received under this subdivision must be deposited in the special revenue
8.33 fund and are appropriated to the commissioner for the purposes set forth in this subdivision.

9.1 Sec. 12. Minnesota Statutes 2012, section 174.02, subdivision 8, is amended to read:

9.2 Subd. 8. **Electronic reports.** ~~For Notwithstanding section 3.195, subdivision 1, any~~
9.3 legislative report required to be submitted by the commissioner ~~by law, in which the report~~
9.4 may ~~or must~~ be submitted electronically, ~~the commissioner shall meet the requirements~~
9.5 ~~under section 3.195, subdivision 1.~~

9.6 Sec. 13. Minnesota Statutes 2012, section 174.06, subdivision 7, is amended to read:

9.7 Subd. 7. **Proposals for implementation.** (a) It is the intent of the legislature that
9.8 gas, oil, slurry, and other pipelines, long-distance conveyor belt systems, and other modes
9.9 of transportation not now regulated by the state be constructed and operated in a manner
9.10 that best serves the public good and complements other means of transportation.

9.11 ~~(b) The commissioner of transportation shall submit to the governor and the~~
9.12 ~~legislature, no later than January 1, 1979, specific proposals, drafted in bill form if~~
9.13 ~~appropriate, to implement this policy within the areas of responsibility assigned to the~~
9.14 ~~Department of Transportation.~~

9.15 Sec. 14. Minnesota Statutes 2012, section 174.30, subdivision 9, is amended to read:

9.16 Subd. 9. **Complaints; report; data classification.** (a) The commissioner shall
9.17 investigate all complaints over which the commissioner has jurisdiction regarding special
9.18 transportation service providers regulated under this section.

9.19 ~~(b) By January 15, 2009, and in every subsequent odd-numbered year by January 15,~~
9.20 ~~the commissioner shall submit a report to the chairs and ranking minority members of the~~
9.21 ~~house of representatives and senate committees having jurisdiction over transportation~~
9.22 ~~policy and finance. The report must identify each complaint investigated by the~~
9.23 ~~commissioner under paragraph (a), including, but not limited to, any findings and steps~~
9.24 ~~taken for resolution of the complaint.~~

9.25 ~~(e)~~ (b) When information is furnished to the Department of Transportation that alleges
9.26 a violation of this section, an operating standard adopted under this section, or section
9.27 174.315, the following data are classified as confidential data or protected nonpublic data:

9.28 (1) names of complainants;

9.29 (2) complaint letters; and

9.30 (3) other unsolicited data when furnished by a person who is not the subject of the
9.31 data and who is not a department employee.

9.32 Sec. 15. Minnesota Statutes 2012, section 174.40, subdivision 8, is amended to read:

10.1 Subd. 8. **Legislative report.** By November 1 ~~annually~~ of each odd-numbered year,
10.2 the commissioner shall submit a report on the safe routes to school program to the chairs
10.3 and ranking minority members of the house of representatives and senate committees with
10.4 jurisdiction over transportation policy and finance. The report must at a minimum:

10.5 (1) summarize program implementation;

10.6 (2) provide an overview of grant evaluation and criteria used in project selection;

10.7 (3) provide a brief description of each project funded in the previous fiscal year,
10.8 including the amount of money provided from each safe routes to school account under
10.9 this section and the amount provided under the federal program;

10.10 (4) summarize the status of the federal program or successor legislation; and

10.11 (5) identify any recommendations for legislative changes, including proposals to
10.12 improve program effectiveness.

10.13 Sec. 16. Minnesota Statutes 2012, section 221.031, subdivision 1, is amended to read:

10.14 Subdivision 1. **Powers, duties, rules, filings.** (a) This subdivision applies to motor
10.15 carriers engaged in intrastate commerce.

10.16 (b) The commissioner shall prescribe rules for the operation of motor carriers,
10.17 including their facilities; accounts; leasing of vehicles and drivers; service; safe operation
10.18 of vehicles; equipment, parts, and accessories; hours of service of drivers; driver
10.19 qualifications; accident reporting; identification of vehicles; installation of safety devices;
10.20 inspection, repair, and maintenance; and proper automatic speed regulators if, in the
10.21 opinion of the commissioner, there is a need for the rules.

10.22 ~~(e) The commissioner shall direct the repair and reconstruction or replacement of~~
10.23 ~~an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require~~
10.24 ~~the construction and maintenance or furnishing of suitable and proper freight terminals,~~
10.25 ~~passenger depots, waiting rooms, and accommodations or shelters in a city in this state or~~
10.26 ~~at a point on the highway traversed which the commissioner, after investigation by the~~
10.27 ~~department, may deem just and proper for the protection of passengers or property.~~

10.28 ~~(d)~~ (c) The commissioner shall (1) require holders of household goods mover permits
10.29 to file schedules of rates and charges, (2) regulate motor carriers in matters affecting the
10.30 relationship between them and the traveling and shipping public, and (3) prescribe other
10.31 rules as may be necessary to carry out the provisions of this chapter.

10.32 ~~(e)~~ (d) The commissioner shall enforce sections 169.781 to 169.783.

10.33 Sec. 17. Minnesota Statutes 2012, section 360.015, subdivision 2, is amended to read:

11.1 Subd. 2. **Cooperation with federal and other agencies.** (a) The commissioner
 11.2 shall cooperate with and assist the federal government, the municipalities of this state, and
 11.3 others engaged in aeronautics or the promotion of aeronautics and shall seek to coordinate
 11.4 the aeronautical activities of these bodies. To this end, the commissioner is empowered to
 11.5 confer with or to hold joint hearings with any federal aeronautical agency in connection
 11.6 with any matter arising under sections 360.011 to 360.076, or relating to the sound
 11.7 development of aeronautics, and to take advantage of the cooperation, services, records,
 11.8 and facilities of such federal agencies, as fully as may be practicable, in the administration
 11.9 and enforcement of sections 360.011 to 360.076. The commissioner shall reciprocate by
 11.10 furnishing cooperation, services, records, and facilities, insofar as may be practicable,
 11.11 to the federal agencies. The commissioner may also contract for the presentation of
 11.12 educational and informational programs that promote safety and interest in aeronautics.

11.13 ~~(b) The commissioner shall report to the appropriate federal agency all accidents~~
 11.14 ~~in aeronautics in this state of which the commissioner is informed. The commissioner~~
 11.15 ~~shall also preserve, protect, and prevent the removal of the component parts of any aircraft~~
 11.16 ~~involved in an accident being investigated by the commissioner until a federal agency~~
 11.17 ~~institutes an investigation. The commissioner shall report the following to the appropriate~~
 11.18 ~~federal agency:~~

11.19 ~~(1) all refusals by the commissioner to register federal licenses, certificates, or~~
 11.20 ~~permits;~~

11.21 ~~(2) all revocations of certificates of registration, and the reasons therefor; and~~

11.22 ~~(3) all penalties of which the commissioner has knowledge imposed upon airmen~~
 11.23 ~~for violations of the laws of this state relating to aeronautics or violations of the rules~~
 11.24 ~~or orders of the commissioner.~~

11.25 Sec. 18. Minnesota Statutes 2012, section 360.511, subdivision 4, is amended to read:

11.26 Subd. 4. **Air commerce.** "Air commerce" means the transportation by aircraft
 11.27 of persons or property for hire in interstate, intrastate, or international transportation
 11.28 on regularly scheduled flights by airline companies operating under a certificate
 11.29 of convenience and necessity issued by the United States ~~Civil Aeronautics Board~~
 11.30 Department of Transportation.

11.31 Sec. 19. Minnesota Statutes 2012, section 360.55, subdivision 4, is amended to read:

11.32 Subd. 4. **Collector's aircraft.** (a) For purposes of this subdivision:

11.33 (1) "antique aircraft" means an aircraft constructed by the original manufacturer,
 11.34 or its licensee, on or before December 31, 1945, with the exception of certain pre-World

12.1 War II aircraft models that had only a small postwar production, such as Beechcraft
12.2 Staggerwing, Fairchild 24, and Monocoupe; and

12.3 (2) "classic aircraft" means an aircraft constructed by the original manufacturer,
12.4 or its licensee, on or after January 1, 1946, and has a first year of life that precedes the
12.5 date of registration by at least 50 years.

12.6 (b) If an antique or classic aircraft is owned and operated solely as a collector's item,
12.7 its owner may list it for taxation and registration as follows: A sworn affidavit must be
12.8 executed stating (1) the name and address of the owner, (2) the name and address of the
12.9 person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft
12.10 registration number, and manufacturer's identification number, and (4) that the aircraft
12.11 is owned and operated solely as a collector's item and not for general transportation or
12.12 commercial operations purposes. The affidavit must be filed with the commissioner along
12.13 with a fee of \$25.

12.14 (c) Upon satisfaction that the affidavit is true and correct, the commissioner shall
12.15 issue to the applicant a registration certificate. The registration certificate is valid without
12.16 renewal as long as the owner operates the aircraft solely as a collector's item.

12.17 (d) Should an antique or classic aircraft be operated other than as a collector's item,
12.18 the registration certificate becomes void and the owner shall list the aircraft for taxation
12.19 and registration in accordance with the other provisions of sections 360.511 to 360.67.

12.20 (e) Upon the sale of an antique or classic aircraft, the new owner must list the aircraft
12.21 for taxation and registration in accordance with this subdivision, including the payment of
12.22 a \$5 fee to transfer the registration to the new owner, or the other provisions of sections
12.23 360.511 to 360.67, whichever is applicable.

12.24 ~~(f) In the event of loss or destruction of the registration certificate, and upon~~
12.25 ~~receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances,~~
12.26 ~~together with a fee of \$5, the commissioner shall issue a replacement certificate.~~

12.27 Sec. 20. Minnesota Statutes 2012, section 360.59, subdivision 7, is amended to read:

12.28 Subd. 7. **Transfer of ownership.** Upon the transfer of ownership; the destruction,
12.29 theft, or dismantling; or the permanent removal by the owner from this state, of any
12.30 aircraft registered in accordance with sections 360.511 to 360.67, the right of the owner
12.31 of the aircraft to use the registration certificate assigned the aircraft expires. The owner
12.32 shall forthwith return the certificate with transportation prepaid to the commissioner with
12.33 a signed notice of the date and manner of termination of ownership, giving the name and
12.34 post office address, with street and number if in a city, of the person to whom transferred.
12.35 On becoming the owner by gift, trade, or purchase of any aircraft for which a registration

13.1 certificate has been issued under sections 360.511 to 360.67, a person, including a
 13.2 dealer or manufacturer, shall, within seven days after acquiring ownership, join with the
 13.3 registered owner in transmitting with an application the registration certificate with the
 13.4 assignment and notice of sale duly executed upon the reverse side, or in case of loss of the
 13.5 certificate, with such proof of loss by sworn statements in writing as shall be satisfactory
 13.6 to the commissioner. Upon the transfer of any aircraft by a manufacturer or dealer, for use
 13.7 within the state, whether by sale, lease, or otherwise, the manufacturer or dealer shall,
 13.8 within seven days after the transfer, transmit the transferee's application for registration.
 13.9 ~~The manufacturer or dealer shall each month file with the commissioner a notice or report~~
 13.10 ~~containing the date of the transfer, a description of the aircraft, and the name, street and~~
 13.11 ~~number of residence if in a city, and post office address of the transferee.~~

13.12 Sec. 21. Laws 2013, chapter 117, article 1, section 3, subdivision 7, is amended to read:

13.13 **Subd. 7. Previous State Road Construction**
 13.14 **Appropriations**

13.15 Any money appropriated to the commissioner
 13.16 of transportation for state road construction
 13.17 for any fiscal year before the first year is
 13.18 available to the commissioner during the
 13.19 biennium to the extent that the commissioner
 13.20 spends the money on the state road
 13.21 construction project for which the money
 13.22 was originally encumbered during the fiscal
 13.23 year for which it was appropriated. The
 13.24 ~~commissioner of transportation shall report to~~
 13.25 ~~the commissioner of management and budget~~
 13.26 ~~by August 1, 2013, and August 1, 2014, on~~
 13.27 ~~a form the commissioner of management~~
 13.28 ~~and budget provides, on expenditures made~~
 13.29 ~~during the previous fiscal year that are~~
 13.30 ~~authorized by this subdivision.~~

13.31 Sec. 22. **REPEALER.**

13.32 Subdivision 1. Chapter 160 repeals. Minnesota Statutes 2012, sections 160.27,
 13.33 subdivision 3; and 160.283, subdivision 1, are repealed.

14.1 Subd. 2. **Chapter 161 repeals.** Minnesota Statutes 2012, sections 161.05; 161.06;
14.2 161.07; 161.08, subdivision 1; 161.082, subdivision 3; 161.1231, subdivisions 3 and
14.3 9; 161.13; 161.161; 161.201; 161.22; 161.31, subdivision 2; 161.3205; 161.3428; and
14.4 161.51, are repealed.

14.5 Subd. 3. **Chapter 162 repeals.** Minnesota Statutes 2012, sections 162.02,
14.6 subdivision 2; 162.06, subdivision 6; 162.065; 162.08, subdivision 3; 162.09, subdivision
14.7 3; 162.12, subdivision 5; and 162.125, are repealed.

14.8 Subd. 4. **Chapter 163 repeals.** Minnesota Statutes 2012, section 163.07,
14.9 subdivision 3, is repealed.

14.10 Subd. 5. **Chapter 164 repeals.** Minnesota Statutes 2012, sections 164.041; and
14.11 164.05, are repealed.

14.12 Subd. 6. **Chapter 165 repeals.** Minnesota Statutes 2012, sections 165.09,
14.13 subdivision 5; 165.11; and 165.13, are repealed.

14.14 Subd. 7. **Chapter 169 repeals.** Minnesota Statutes 2012, sections 169.16; 169.835;
14.15 and 169.867, are repealed.

14.16 Subd. 8. **Chapter 173 repeals.** Minnesota Statutes 2012, sections 173.0845; and
14.17 173.085, are repealed.

14.18 Subd. 9. **Chapter 174 repeals.** (a) Minnesota Statutes 2012, sections 174.02,
14.19 subdivision 7; 174.05; 174.06, subdivision 8; 174.19; 174.256, subdivision 5; and 174.50,
14.20 subdivisions 6a and 6b, are repealed.

14.21 (b) Minnesota Statutes 2013 Supplement, section 174.03, subdivision 1d, is repealed.

14.22 Subd. 10. **Chapter 181 repeals.** Minnesota Statutes 2012, sections 181.28; 181.29;
14.23 and 181.30, are repealed.

14.24 Subd. 11. **Chapter 218 repeals.** Minnesota Statutes 2012, sections 218.021;
14.25 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; and 218.041, subdivisions 1, 2, and
14.26 7, are repealed.

14.27 Subd. 12. **Chapter 219 repeals.** Minnesota Statutes 2012, sections 219.55;
14.28 219.562, subdivisions 1, 1a, 3, and 4; 219.565; and 219.566, are repealed.

14.29 Subd. 13. **Chapter 221 repeals.** Minnesota Statutes 2012, sections 221.123;
14.30 221.151, subdivision 1; 221.241; and 221.295, are repealed.

14.31 Subd. 14. **Chapter 222 repeals.** Minnesota Statutes 2012, sections 222.04; 222.06;
14.32 222.07; 222.08; 222.09; 222.10; 222.11; 222.12; 222.13; 222.141; 222.15; 222.16; 222.17;
14.33 222.18; 222.19; 222.20; 222.21; 222.22; 222.23; 222.24; 222.25; 222.28; 222.31; 222.32;
14.34 and 222.35, are repealed.

15.1 Subd. 15. **Chapter 360 repeals.** Minnesota Statutes 2012, sections 360.013,
15.2 subdivision 59; 360.015, subdivisions 11a, 17, and 19; and 360.55, subdivision 7, are
15.3 repealed.

15.4 ARTICLE 2

15.5 CONFORMING CHANGES

15.6 Section 1. Minnesota Statutes 2012, section 12A.16, subdivision 5, is amended to read:

15.7 Subd. 5. **Waivers authorized.** The requirements of section 174.50, subdivisions 5,
15.8 6, ~~6a~~, and 7, are waived for grants under subdivision 3.

15.9 Sec. 2. Minnesota Statutes 2012, section 16B.51, subdivision 1, is amended to read:

15.10 Subdivision 1. **Supervision by commissioner.** The commissioner shall supervise
15.11 and control the making and distribution of all reports and other publications of all
15.12 kinds issued by the state and state agencies when not otherwise prescribed by law. The
15.13 commissioner shall also prescribe the manner and form of issuing reports required by
15.14 sections 8.08; 16A.50; 35.03; 129D.02, subdivision 5; 256.01; and 299C.18; ~~and 360.015;~~
15.15 ~~subdivision 17.~~

15.16 Sec. 3. Minnesota Statutes 2012, section 161.3410, subdivision 1, is amended to read:

15.17 Subdivision 1. **Scope.** The terms used in sections 161.3410 to ~~161.3428~~ 161.3426
15.18 have the meanings given in this section.

15.19 Sec. 4. Minnesota Statutes 2012, section 161.3412, subdivision 2, is amended to read:

15.20 Subd. 2. **Competitive, open process.** Sections 161.3410 to ~~161.3428~~ 161.3426
15.21 apply only to transportation projects using the two-step competitive process utilizing
15.22 public solicitation for design-build services.

15.23 Sec. 5. Minnesota Statutes 2012, section 161.3414, subdivision 1, is amended to read:

15.24 Subdivision 1. **General criteria.** A design-build contracting procedure authorized
15.25 under sections 161.3410 to ~~161.3428~~ 161.3426 may be used for a specific project only
15.26 after the commissioner determines that awarding a design-build contract will serve the
15.27 public interest.

15.28 Sec. 6. Minnesota Statutes 2012, section 161.3418, subdivision 2, is amended to read:

15.29 Subd. 2. **Contracting for licensed professional.** A design-builder may enter into a
15.30 contract to provide professional or construction services for a project that the design-builder

16.1 is not licensed, registered, or qualified to perform, so long as the design-builder provides
16.2 those services through subcontractors with duly licensed, registered, or otherwise qualified
16.3 individuals in accordance with sections 161.3410 to ~~161.3428~~ 161.3426.

16.4 Sec. 7. Minnesota Statutes 2012, section 169.86, subdivision 5, is amended to read:

16.5 Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with
16.6 respect to highways under the commissioner's jurisdiction, may charge a fee for each
16.7 permit issued. Unless otherwise specified, all fees for permits issued by the commissioner
16.8 of transportation must be deposited in the state treasury and credited to the trunk highway
16.9 fund. Except for those annual permits for which the permit fees are specified elsewhere in
16.10 this chapter, the fees are:

16.11 (a) \$15 for each single trip permit.

16.12 (b) \$36 for each job permit. A job permit may be issued for like loads carried on
16.13 a specific route for a period not to exceed two months. "Like loads" means loads of the
16.14 same product, weight, and dimension.

16.15 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive
16.16 months. Annual permits may be issued for:

16.17 (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety
16.18 or well-being of the public;

16.19 (2) motor vehicles that travel on interstate highways and carry loads authorized
16.20 under subdivision 1a;

16.21 (3) motor vehicles operating with gross weights authorized under section 169.826,
16.22 subdivision 1a;

16.23 (4) special pulpwood vehicles described in section 169.863;

16.24 (5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

16.25 (6) noncommercial transportation of a boat by the owner or user of the boat; and

16.26 (7) motor vehicles carrying bales of agricultural products authorized under section
16.27 169.862; and.

16.28 ~~(8) special milk-hauling vehicles authorized under section 169.867.~~

16.29 (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12
16.30 consecutive months. Annual permits may be issued for:

16.31 (1) mobile cranes;

16.32 (2) construction equipment, machinery, and supplies;

16.33 (3) manufactured homes and manufactured storage buildings;

16.34 (4) implements of husbandry;

16.35 (5) double-deck buses;

17.1 (6) commercial boat hauling and transporting waterfront structures, including, but
 17.2 not limited to, portable boat docks and boat lifts;

17.3 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers
 17.4 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,
 17.5 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer
 17.6 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,
 17.7 paragraph (c); and

17.8 (8) vehicles operating on that portion of marked Trunk Highway 36 described in
 17.9 section 169.81, subdivision 3, paragraph (e).

17.10 (e) For vehicles that have axle weights exceeding the weight limitations of sections
 17.11 169.823 to 169.829, an additional cost added to the fees listed above. However, this
 17.12 paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph
 17.13 (b), but only when the vehicle exceeds its gross weight allowance set forth in that
 17.14 paragraph, and then the additional cost is for all weight, including the allowance weight,
 17.15 in excess of the permitted maximum axle weight. The additional cost is equal to the
 17.16 product of the distance traveled times the sum of the overweight axle group cost factors
 17.17 shown in the following chart:

17.18 Overweight Axle Group Cost Factors

17.19 Weight (pounds)	17.19 Cost Per Mile For Each Group Of:		
	17.20 Two	17.20 Three	
	17.21 consecutive	17.21 consecutive	
	17.22 axles spaced	17.22 axles spaced	17.22 Four consecutive
	17.23 within 8 feet	17.23 within 9 feet	17.23 axles spaced within
	17.24 or less	17.24 or less	17.24 14 feet or less
17.25 0-2,000	.12	.05	.04
17.26 2,001-4,000	.14	.06	.05
17.27 4,001-6,000	.18	.07	.06
17.28 6,001-8,000	.21	.09	.07
17.29 8,001-10,000	.26	.10	.08
17.30 10,001-12,000	.30	.12	.09
17.31 12,001-14,000	Not permitted	.14	.11
17.32 14,001-16,000	Not permitted	.17	.12
17.33 16,001-18,000	Not permitted	.19	.15
17.34 18,001-20,000	Not permitted	Not permitted	.16
17.35 20,001-22,000	Not permitted	Not permitted	.20

18.1 The amounts added are rounded to the nearest cent for each axle or axle group. The
 18.2 additional cost does not apply to paragraph (c), clauses (1) and (3).

18.3 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile
 18.4 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed
 18.5 in addition to the normal permit fee. Miles must be calculated based on the distance
 18.6 already traveled in the state plus the distance from the point of detection to a transportation
 18.7 loading site or unloading site within the state or to the point of exit from the state.

18.8 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,
 18.9 or oversize and overweight, mobile cranes; construction equipment, machinery, and
 18.10 supplies; implements of husbandry; and commercial boat hauling. The fees for the permit
 18.11 are as follows:

18.12	Gross Weight (pounds) of Vehicle	Annual Permit Fee
18.13	90,000 or less	\$200
18.14	90,001 - 100,000	\$300
18.15	100,001 - 110,000	\$400
18.16	110,001 - 120,000	\$500
18.17	120,001 - 130,000	\$600
18.18	130,001 - 140,000	\$700
18.19	140,001 - 145,000	\$800
18.20	145,001 - 155,000	\$900

18.21 If the gross weight of the vehicle is more than 155,000 pounds the permit fee is determined
 18.22 under paragraph (e).

18.23 (g) For vehicles which exceed the width limitations set forth in section 169.80 by
 18.24 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)
 18.25 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are
 18.26 in effect.

18.27 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for
 18.28 refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on
 18.29 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,
 18.30 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds
 18.31 on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

18.32 (i) \$300 for a motor vehicle described in section 169.8261. The fee under this
 18.33 paragraph must be deposited as follows:

18.34 (1) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for
 18.35 costs related to administering the permit program and inspecting and posting bridges; and

18.36 (2) all remaining money in each fiscal year must be deposited in the bridge
 18.37 inspection and signing account as provided under subdivision 5b.

19.1 (j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating
19.2 under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

19.3 Sec. 8. Minnesota Statutes 2012, section 173.02, subdivision 6, is amended to read:

19.4 Subd. 6. **Various signs and notices defined.** Directional and other official signs
19.5 and notices shall mean:

19.6 (a) "Official signs and notices" mean signs and notices erected and maintained by
19.7 public officers or public agencies within their territorial jurisdiction and pursuant to and in
19.8 accordance with direction or authorization contained in federal or state law for the purposes
19.9 of carrying out an official duty or responsibility. Historical markers authorized by state
19.10 law and erected by state or local governmental agencies or nonprofit historical societies,
19.11 ~~star city signs erected under section 173.085~~, and municipal identification entrance signs
19.12 erected in accordance with section 173.025₂ may be considered official signs.

19.13 (b) "Public utility signs" mean warning signs, notices, or markers which are
19.14 customarily erected and maintained by publicly or privately owned public utilities, as
19.15 essential to their operations.

19.16 (c) "Service club and religious notices" mean signs and notices, not exceeding eight
19.17 square feet in advertising area, whose erection is authorized by law, relating to meetings
19.18 and location of nonprofit service clubs or charitable associations, or religious services.

19.19 (d) "Directional signs" means signs containing directional information about public
19.20 places owned or operated by public authorities as defined in Code of Federal Regulations,
19.21 title 23, section 460.2, paragraph (b), or their agencies, publicly or privately owned
19.22 natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas
19.23 of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the
19.24 interest of the traveling public. To qualify for directional signs, privately owned attractions
19.25 must be nationally or regionally known, and of outstanding interest to the traveling public.

19.26 (e) All definitions in this subdivision are intended to be in conformity with the
19.27 national standards for directional and other official signs.

19.28 Sec. 9. Minnesota Statutes 2012, section 173.02, subdivision 16, is amended to read:

19.29 Subd. 16. **Advertising device.** "Advertising device" means any billboard, sign,
19.30 notice, poster, display, or other device visible to and primarily intended to advertise and
19.31 inform or to attract or which does attract the attention of operators and occupants of motor
19.32 vehicles and shall include any structure erected primarily for use in connection with
19.33 the display of any such device and all lighting or other attachments used in connection
19.34 therewith ~~except "star city" signs erected under section 173.085~~.

20.1 Sec. 10. Minnesota Statutes 2012, section 174.66, is amended to read:

20.2 **174.66 CONTINUATION OF CARRIER RULES.**

20.3 (a) Orders and directives in force, issued, or promulgated under authority of chapters
20.4 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,
20.5 modified, or superseded by duly authorized orders or directives of the commissioner of
20.6 transportation. To the extent allowed under federal law or regulation, rules adopted under
20.7 authority of the following sections are transferred to the commissioner of transportation
20.8 and continue in force and effect until repealed, modified, or superseded by duly authorized
20.9 rules of the commissioner:

20.10 (1) section 218.041 except rules related to the form and manner of filing railroad
20.11 rates, railroad accounting rules, and safety rules;

20.12 (2) section 219.40;

20.13 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits
20.14 under section 221.031, subdivision 1;

20.15 (4) ~~rules relating to the sale, assignment, pledge, or other transfer of a stock interest~~
20.16 ~~in a corporation holding authority to operate as a permit carrier as prescribed in section~~
20.17 ~~221.151, subdivision 1;~~

20.18 (5) rules relating to rates, charges, and practices under section 221.161, subdivision
20.19 4; and

20.20 (6) (5) rules relating to rates, tariffs, or the granting, limiting, or modifying of
20.21 permits under ~~sections~~ section 221.121 and ~~221.151~~.

20.22 (b) The commissioner shall review the transferred rules, orders, and directives and,
20.23 when appropriate, develop and adopt new rules, orders, or directives.

20.24 Sec. 11. Minnesota Statutes 2012, section 221.022, is amended to read:

20.25 **221.022 EXCEPTION.**

20.26 The powers granted to the commissioner under sections 221.012 to ~~221.295~~ 221.293
20.27 do not include the power to regulate any service or vehicles operated by the Metropolitan
20.28 Council or to register passenger transportation service provided under contract to the
20.29 department or the Metropolitan Council. A provider of passenger transportation service
20.30 under contract to the department or the Metropolitan Council may not also provide service
20.31 as a motor carrier of passengers without first having registered under section 221.0252.

20.32 Sec. 12. Minnesota Statutes 2012, section 221.0252, subdivision 7, is amended to read:

21.1 Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor
21.2 carriers of passengers are exempt from sections 221.121; 221.122; ~~221.123; 221.151;~~
21.3 221.161; and 221.171.

21.4 Sec. 13. Minnesota Statutes 2012, section 221.026, subdivision 2, is amended to read:

21.5 Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor
21.6 carrier of property is exempt from sections 221.021; 221.121; 221.122; ~~221.123;~~ 221.131;
21.7 221.132; ~~221.151;~~ 221.161; 221.172, subdivision 3; and 221.185, except as provided in
21.8 subdivision 4. The exemptions in this subdivision do not apply to a motor carrier of
21.9 property while transporting household goods.

21.10 Sec. 14. Minnesota Statutes 2012, section 221.036, subdivision 1, is amended to read:

21.11 Subdivision 1. **Order.** The commissioner may issue an order requiring violations
21.12 to be corrected and administratively assessing monetary penalties for a violation of (1)
21.13 section 221.021; (2) section 221.033, subdivision 2b; (3) ~~section 221.151;~~ (4) section
21.14 221.171; ~~(5)~~ (4) section 221.141; ~~(6)~~ (5) a federal, state, or local law, regulation, rule,
21.15 or ordinance pertaining to railroad-highway grade crossings; or ~~(7)~~ (6) rules of the
21.16 commissioner relating to the transportation of hazardous waste, motor carrier operations,
21.17 insurance, or tariffs and accounting. An order must be issued as provided in this section.

21.18 Sec. 15. Minnesota Statutes 2012, section 221.036, subdivision 3, is amended to read:

21.19 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an
21.20 order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141;
21.21 ~~221.151;~~ or 221.171, or rules of the commissioner relating to motor carrier operations,
21.22 insurance, or tariffs and accounting, identified during a single inspection, audit, or
21.23 investigation.

21.24 (b) The commissioner may issue an order assessing a penalty up to a maximum of
21.25 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single
21.26 inspection or audit.

21.27 (c) In determining the amount of a penalty, the commissioner shall consider:

21.28 (1) the willfulness of the violation;

21.29 (2) the gravity of the violation, including damage to humans, animals, air, water,
21.30 land, or other natural resources of the state;

21.31 (3) the history of past violations, including the similarity of the most recent violation
21.32 and the violation to be penalized, the time elapsed since the last violation, the number of
21.33 previous violations, and the response of the person to the most recent violation identified;

22.1 (4) the economic benefit gained by the person by allowing or committing the
22.2 violation; and

22.3 (5) other factors as justice may require, if the commissioner specifically identifies
22.4 the additional factors in the commissioner's order.

22.5 (d) The commissioner shall assess a penalty in accordance with Code of Federal
22.6 Regulations, title 49, section 383.53, against:

22.7 (1) a driver who is convicted of a violation of an out-of-service order;

22.8 (2) an employer who knowingly allows or requires an employee to operate a
22.9 commercial motor vehicle in violation of an out-of-service order; or

22.10 (3) an employer who knowingly allows or requires an employee to operate a
22.11 commercial motor vehicle in violation of a federal, state, or local law or regulation
22.12 pertaining to railroad-highway grade crossings.

22.13 Sec. 16. Minnesota Statutes 2012, section 302A.021, subdivision 10, is amended to
22.14 read:

22.15 Subd. 10. **Laws not to apply.** Sections ~~222.19 and 222.23~~, and Chapters 301, 316,
22.16 and 556 do not apply to a corporation incorporated under or governed by this chapter.

22.17 Sec. 17. Minnesota Statutes 2012, section 322B.02, is amended to read:

22.18 **322B.02 LAWS NOT TO APPLY.**

22.19 Sections ~~222.19, 222.23~~, and Chapters 301, 316, and 556 do not apply to a limited
22.20 liability company organized under or governed by this chapter.

22.21 Sec. 18. Minnesota Statutes 2012, section 336.9-201, is amended to read:

22.22 **336.9-201 GENERAL EFFECTIVENESS OF SECURITY AGREEMENT.**

22.23 (a) **General effectiveness.** Except as otherwise provided in the Uniform Commercial
22.24 Code, a security agreement is effective according to its terms between the parties, against
22.25 purchasers of the collateral, and against creditors.

22.26 (b) **Applicable consumer laws and other law.** A transaction subject to this article
22.27 is subject to any applicable rule of law which establishes a different rule for consumers
22.28 and (i) any other statute or regulation that regulates the rates, charges, agreements, and
22.29 practices for loans, credit sales, or other extensions of credit including but not limited
22.30 to sections 48.153 to 48.157; 53C.01 to 53C.14; ~~222.13 to 222.16~~; 334.01 to 334.06;
22.31 and chapters 52, 53, and 56, (ii) any consumer protection statute or rule, and (iii) the
22.32 Manufactured Home Repossession Security Act, sections 327.61 to 327.67.

23.1 (c) **Other applicable law controls.** In case of conflict between this article and a
23.2 rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or
23.3 regulation controls. Failure to comply with a statute or regulation described in subsection
23.4 (b) has only the effect the statute or regulation specifies.

23.5 (d) **Further deference to other applicable law.** This article does not:

23.6 (1) validate any rate, charge, agreement, or practice that violates a rule of law,
23.7 statute, or regulation described in subsection (b); or

23.8 (2) extend the application of the rule of law, statute, or regulation to a transaction
23.9 not otherwise subject to it.

APPENDIX
Article locations in H3084-1

ARTICLE 1 OBSOLETE, UNNECESSARY, OR REDUNDANT PROVISIONS... Page.Ln 2.1
ARTICLE 2 CONFORMING CHANGES..... Page.Ln 15.4

160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS.

Subd. 3. **Outdoor telephone booths.** (a) Outdoor telephone booths may be placed and maintained within the limits of any public highway, including city streets, when authorized by a written permit issued by the proper road authority.

(b) The governing body of a city or town may grant permission by license, permit, contract, or franchise to the owner of an outdoor telephone booth located within the right-of-way of a public highway or street to place advertising on the booth. This permission is subject to terms and conditions prescribed by the city or town. This paragraph does not preclude requirements for obtaining permits from the appropriate road authority having jurisdiction over a trunk highway, county highway, or state-aid highway.

160.283 RESORT INFORMATION SIGNS; PURPOSE.

Subdivision 1. **Legislative findings.** It is hereby found and declared that the development and promotion of the tourist industry is important to the economic welfare of the state. It is further found that the control and regulation of outdoor advertising and the consequential removal of certain advertising devices has adversely affected many resorts though such regulation and control of outdoor advertising is in the general interest of the people and is necessary to conserve the natural beauty of areas adjacent to highways and roads of the state. The legislature finds that in order to alleviate hardships on the tourist industry caused by limitations imposed on the use of outdoor advertising along certain local highways and roads and to also conserve the natural beauty of areas adjacent to such local highways and roads, it is necessary that devices, directional in nature, be erected on certain local highways and roads as hereinafter provided for the purpose of guiding tourists and other travelers to their destination, and that such directional devices be standardized and the design therefor and distribution thereof be controlled by the Department of Transportation with the counties participating therein.

161.05 TEMPORARY LOANS.

Subdivision 1. **Loans from other public funds.** For the purpose of providing sufficient money in the trunk highway fund to meet the state's share of highway projects financed in part by federal funds, the commissioner of management and budget may borrow from other public funds a sum not exceeding in the aggregate the amount of federal aid allotted to the construction of trunk highways under project appropriation by the federal government. No fund shall be so impaired thereby that all proper demands thereon cannot be met.

Subd. 2. **Interest.** All such loans shall bear interest at the average rate that the commissioner of management and budget has realized from the investment of surplus cash.

Subd. 3. **Certificate.** Before the commissioner of management and budget shall make any such loan, the commissioner shall file with the commissioner of management and budget a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government.

Subd. 4. **Federal aid paid to commissioner of management and budget.** All funds received from federal aid allotted to the construction, reconstruction, or maintenance of trunk highways shall be paid to the commissioner of management and budget and credited to the trunk highway fund.

Subd. 5. **Repayment of money borrowed.** When there is sufficient money in the trunk highway fund, the commissioner of management and budget shall transfer therefrom to such other public fund the amount of the loan together with interest thereon.

161.06 CONTINGENT FUND.

Subdivision 1. **Amount.** The commissioner of management and budget is authorized and directed to make available to the Department of Transportation out of money in the state treasury appropriated for trunk highway purposes the sum of \$5,000, or such lesser amount as the commissioner may request, to be used by said department as a contingent fund, subject to such rules for its use as may be prescribed by the commissioner of administration.

Subd. 2. **Use.** The commissioner may use the money in the contingent fund for trunk highway purposes in facilitating and expediting the business of the Department of Transportation, particularly in the handling of garnishments, emergency labor payrolls, expense accounts of

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employees and in departmental litigation, and all acts of the commissioner heretofore performed in the use of the fund are in all things recognized and confirmed.

161.07 MANNER OF PAYMENTS.

Subdivision 1. **Abstract for payment.** In all cases of payments to be made as herein authorized by the commissioner out of the trunk highway fund, the same shall be made in the following manner. The commissioner shall furnish verified abstracts of the same, prepared in duplicate, one of which shall be delivered to the commissioner of management and budget and one to be retained by the commissioner of transportation. The abstract shall contain the name, residence, and the amount due each claimant and designate the contract or purpose for which the payment is made.

Subd. 2. **Payment.** The copy of the abstracts delivered to the commissioner of management and budget shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstracts. If there be sufficient money in the proper fund, the commissioner of management and budget shall issue a warrant for the gross amount shown by such abstract. The commissioner of management and budget shall deliver checks to the several persons entitled thereto as shown by such abstracts, and shall preserve in the commissioner's office a record of each check and remittance showing the date of each issue, the name of the payee, and any other facts tending to evidence its payment.

161.08 RECORDS AND REPORTS.

Subdivision 1. **Books of account.** (a) The commissioner shall keep accurate and complete books of account as may be prescribed by the commissioner of management and budget, the same to show in detail itemized receipts and disbursements of the trunk highway fund. The books of account shall show the following facts, among others:

(1) the expenses of maintaining the Transportation Department, including the salaries and expenses of the individual members thereof;

(2) the amounts of money expended in each county of the state for the construction of trunk highways, and when, where, and upon what job or portion of road expended so that the cost per mile of such construction can be easily ascertained;

(3) any other money expended by the state in connection with any roads other than trunk highways and when, where, and upon what portion of road so expended; and

(4) the amount of road equipment and materials purchased, and when, where, and from whom purchased, and the price paid for each item.

(b) The original invoices shall form a part of the permanent files and records in the Department of Transportation and be open to public inspection.

161.082 COUNTY TURNBACK ACCOUNT, EXPENDITURES.

Subd. 3. **Transfers to turnback account.** (a) Whenever a county submits plans for a project to be funded from the county turnback account and the commissioner determines that the project would be approved for funding except for insufficient money in the county turnback account, the commissioner may transfer from the unencumbered balance of the construction account in the county state-aid highway fund an amount sufficient to pay the costs of the project.

(b) The commissioner may make a transfer under paragraph (a) only if the commissioner determines that the transfer would not reduce the unencumbered balance of the construction account in the county state-aid highway fund to less than \$50,000,000.

(c) Not later than ten years after any transfer under paragraph (a), the commissioner shall transfer from the county turnback account to the construction account in the county state-aid highway fund an amount sufficient to repay the amount transferred under paragraph (a).

161.1231 PARKING FACILITIES FOR I-394.

Subd. 3. **Federal aid.** The commissioner may cooperate with the federal government or any agency of the federal government and may comply with the law of the United States and regulations adopted under those laws so that federal money available for construction of parking ramps described in the Surface Transportation Assistance Act of 1982, section 127, may be obtained.

Subd. 9. **Loan by Minneapolis.** Notwithstanding the provisions of any statute or home rule charter to the contrary, the city of Minneapolis may incur indebtedness and may issue and sell bonds and other obligations pledging the full faith and credit of the city to its payment for the

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purpose of loaning and may loan money to the commissioner for deposit in the state treasury to the credit of the trunk highway fund in an amount sufficient for the construction of parking facilities described in subdivision 1 without submitting the question of the issuance of the bonds to the electors. Except as provided in this subdivision, the bonds shall be issued and sold according to the provisions of chapter 475. When funds are received by the state from federal aid allotted to the construction of the parking facilities described in subdivision 1, the commissioner must pay those funds to the city from the trunk highway fund together with any interest or inflation adjustment thereon which is included in the federal aid.

161.13 CONNECTING ROUTES.

Subdivision 1. **Certain routes may be added.** Routes conforming to the standards and in the locations hereinafter prescribed may be added to the trunk highway system by order of the commissioner so as to provide an efficient, practicable and economical method of meeting situations and conditions that may arise during the periods between legislative sessions requiring connections between trunk highways on the interstate system and other trunk highways.

Subd. 2. **Location.** The commissioner may establish and thereafter construct, reconstruct, and maintain routes connecting a trunk highway on the interstate system with another trunk highway in the vicinity of Geneva, Medford, White Bear, Rush City, Pine City and Wyoming. If after any such connecting route has been constructed, the trunk highway or portion thereof that is one terminus of such route is removed from the trunk highway system but remains a public road, the connecting route shall remain a trunk highway.

Subd. 3. **Definite and specific locations and numbering left to commissioner.** The definite and specific locations of such routes and the numbering thereof shall be fixed and determined by order of the commissioner.

Subd. 4. **Not to exceed certain lengths.** No such route shall exceed five miles in length, and the total length of all such routes shall not exceed 25 miles.

161.161 HIGHWAY ON COUNTY LINE, REVERSION.

Where a trunk highway which is being reverted to a lower governmental subdivision is on or forms the line between two or more counties, the trunk highway shall revert to and remain the responsibility of the affected counties.

161.201 RELOCATION SERVICES, CITIES OF FIRST CLASS.

The commissioner of transportation may enter into agreements with any public agency of a city of the first class whereby such agency would contract to provide relocation services to fee owners, contract for deed vendees, or lessees within such city whose property has been or is about to be acquired for trunk highway purposes. The compensation agreed upon for such services shall be paid out of the trunk highway fund. The specific services to be performed by such agency and the compensation to be paid therefor from the trunk highway fund shall be set forth in detail in the agreement.

161.22 APPRAISERS.

The commissioner may employ full-time appraisers on a salary basis and may employ appraisers on a fee basis, for the purpose of ascertaining or estimating the costs of lands and properties needed for highway purposes. Appraisers may also be employed to make estimates whenever federal law or federal rules and regulations require estimates as a prerequisite to obtaining federal aid.

161.31 MAPS AND PAMPHLETS.

Subd. 2. **Pamphlets.** The commissioner may print and distribute pamphlets containing information pertaining to the trunk highway system. The pamphlets shall be limited to information as to the location and use of trunk highway routes, the location and proper use of traffic interchanges, speed laws and traffic restrictions, the meaning and use of traffic-control devices and directional signs, and other information that will contribute to safer and more convenient use of trunk highways through increased knowledge and better understanding of the traveling public.

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The commissioner may use other means of communication to disseminate such information when such other means are more practical and efficient.

161.3205 PROFESSIONAL AND TECHNICAL SERVICES CONTRACTS.

Subdivision 1. **Scope; authority generally.** (a) Notwithstanding other law to the contrary, this section applies to professional and technical services contracts entered into by the commissioner of transportation.

(b) The commissioner has the authority and duty to:

- (1) approve state transportation project plans and specifications;
- (2) award transportation construction and maintenance contracts;
- (3) approve, select, and award professional and technical consultant contracts for state transportation projects; and
- (4) approve utility and municipal agreements affecting state transportation projects.

Subd. 2. **Definition of professional or technical services.** For purposes of this section, "professional or technical services" means services that are intellectual in character, including consultative, analytical, evaluative, predictive, planning, programming, or recommendatory, and that result in the production of a report or the completion of a task. Professional or technical contracts do not include the provision of supplies or materials, except (1) by the approval of the commissioner or (2) as incidental to providing professional or technical services.

Subd. 3. **Duties of commissioner.** Before entering into a professional or technical services contract with a value exceeding \$100,000, the commissioner shall certify that:

- (1) no current state employee is able and available to perform the services called for by the contract;
- (2) the normal competitive bidding mechanisms do not provide for adequate performance of the services;
- (3) the contractor has certified that the product of the services will be original in character;
- (4) reasonable efforts were made to publicize the availability of the contract to the public;
- (5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract, if applicable;
- (6) the commissioner has developed and will implement a written plan providing for the assignment of specific agency personnel to a monitoring and liaison function, the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services; and
- (7) the department will not allow the contractor to begin work before funds are fully encumbered.

Subd. 4. **Contract procedures.** Before approving a proposed contract for professional or technical services, the commissioner shall determine, at least, that:

- (1) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;
- (2) the contract does not establish an employment relationship between the state or the agency and any persons performing under the contract;
- (3) the contractor and agents are not employees of the state;
- (4) no agency has previously performed or contracted for the performance of tasks that would be substantially duplicated under the proposed contract;
- (5) the commissioner has specified a satisfactory method of evaluating and using the results of the work to be performed; and
- (6) the combined contract and amendments will not exceed five years, unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

Subd. 5. **Contract termination and payment terms.** (a) A professional or technical services contract must by its terms permit the commissioner to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the commissioner determines that further performance under the contract would not serve agency purposes.

(b) The commissioner shall approve and make final payment on all professional and technical services contracts within six months after the contractor delivers the final documents and invoice. Overdue payments are subject to the applicable prompt payment provisions of section 16A.124.

(c) The terms of a contract must provide that no more than 90 percent of the amount due under the contract may be paid until the final product has been reviewed by the head of the agency entering into the contract and the head of the agency has certified that the contractor has satisfactorily fulfilled the terms of the contract, unless specifically excluded in writing by the

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commissioner. This paragraph does not apply to contracts for professional services as defined in sections 326.02 to 326.15.

Subd. 6. **Reports.** (a) The commissioner shall submit to the governor, the chair of the Ways and Means Committee of the house of representatives, the chair of the senate State Government Finance Committee, and the Legislative Reference Library a yearly listing of all contracts for professional or technical services executed. The report must identify the contractor, contract amount, duration, and services to be provided. The commissioner shall also issue yearly reports summarizing the contract review activities of the department by fiscal year.

(b) The fiscal year report must be submitted by September 1 of each year and must:

- (1) be sorted by contractor;
- (2) show the aggregate value of contracts issued to each contractor;
- (3) distinguish between contracts that are being issued for the first time and contracts that are being extended;
- (4) state the termination date of each contract; and
- (5) identify services by commodity code, including topics such as contracts for training and contracts for research.

(c) Within 30 days of final completion of a contract over \$100,000 covered by this subdivision, the commissioner must submit a one-page report to the Legislative Reference Library. The report must:

- (1) summarize the purpose of the contract, including why it was necessary to enter into a contract;
- (2) state the amount spent on the contract; and
- (3) explain why this amount was a cost-effective way to enable the agency to provide its services or products better or more efficiently.

Subd. 7. **Procurement from small business.** This section is subject to section 16C.16.

161.3428 LIST OF DESIGN-BUILD CONTRACTS.

Beginning September 1, 2002, and every subsequent year on September 1, the commissioner shall submit to the governor, the chairs of the house of representatives Ways and Means and senate finance committees, the chairs of the house of representatives and senate committees having jurisdiction over transportation policy and finance, and the Legislative Reference Library, a yearly listing of all executed design-build contracts. The report must identify the contractor, contract amount, duration, and services to be provided. The list and summary must:

- (1) be sorted by contractor;
- (2) show the aggregate value of contracts issued by the commissioner of transportation and issued to each contractor; and
- (3) state the termination date of each contract.

161.51 FEDERAL-STATE SAFETY ACCOUNT.

There is established within the trunk highway fund a federal-state safety account. The commissioner of transportation may transfer the unobligated balance of any direct appropriation to the Department of Transportation for administrative operations, maintenance, highway development support, research and standards, state aid administration, or planning and programming, into this account if needed to advance state money for approved federal highway safety projects. The commissioner may receive money from state or local governmental agencies to be used for projects under the federal highway safety program. All federal reimbursements shall be deposited in the state treasury and are appropriated to the federal-state safety account to be available until expended.

162.02 COUNTY STATE-AID HIGHWAY SYSTEM.

Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. In the event that agreement cannot be reached on any rule, the commissioner's determination shall be final. The rules shall be printed and copies forwarded to the county engineers of the several counties.

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

162.06 ACCRUALS TO COUNTY STATE-AID HIGHWAY FUND; ACCOUNTS.

Subd. 6. **County state-aid highway revolving loan account.** A county state-aid highway revolving loan account is created in the transportation revolving loan fund. The commissioner may transfer to the account the amount allocated under section 162.065. Money in the account may be used to make loans. Funds in the county state-aid highway revolving loan account may be used only for aid in the construction, improvement, and maintenance of county state-aid highways. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the county state-aid highway revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the county state-aid highway revolving loan account.

162.065 ALLOCATING MATCHING FUNDS FOR CSAH REVOLVING LOAN ACCOUNT.

The screening board appointed under section 162.07, subdivision 5, may recommend to the commissioner that the commissioner allocate a portion of county state-aid highway funds to the county state-aid highway revolving loan account. The commissioner may allocate no more than the amount recommended by the screening board.

162.08 ALLOCATION OF APPORTIONMENTS.

Subd. 3. **Aid to towns.** (a) Any county having within its boundaries organized town governments may, by resolution, allocate to the towns within its boundaries so much of the money apportioned to it under the provisions of sections 162.01 to 162.181, that it deems necessary to aid in the construction of town roads, including replacement of town road signs. The resolution shall set forth the amount of money or the percentage of its apportionment that the county has allocated to the towns. A certified copy of the resolution shall be forwarded to the commissioner on or before the second Tuesday of January of each year. Upon receipt of such resolution and upon determining the amount of money to be apportioned to the county, the commissioner shall certify to the commissioner of management and budget the amount of money, as set forth in the resolution, that is to be paid out of the county's apportionment for distribution to the towns. The commissioner of management and budget shall thereupon issue a warrant in that amount payable to the county treasurer, and the proceeds thereof shall be distributed by the county to the towns. All money so allocated and distributed shall be used by the towns solely for the construction of town roads, including replacement of town road signs.

(b) Each county board so allocating such funds may devise a formula taking into account each town's levy for road and bridge purposes, its mileage of town roads and population outside the corporate limits of all cities within the township, and such other factors as the county board shall deem advisable as a means of dividing the allocation among the several towns in order that such division among the towns be as equitable as possible. No part of the money allocated for expenditure solely within cities having a population of less than 5,000 shall be allocated or distributed to the towns. The commissioner of transportation shall maintain a permanent record of the allocations of county state-aid highway funds for the townships in each county.

(c) In making the annual apportionments of county state-aid highway funds, the commissioner shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not making such allotments. In complying with this paragraph, the commissioner shall disregard allotments to towns for replacement of town road signs.

162.09 MUNICIPAL STATE-AID STREET SYSTEM.

Subd. 3. **Rules have force of law.** The rules have the force and effect of law as provided in chapter 14.

162.12 ACCRUALS TO MUNICIPAL STATE-AID STREET FUND; ACCOUNTS.

Subd. 5. **Municipal state-aid street revolving loan account.** A municipal state-aid street revolving loan account is created in the transportation revolving loan fund. The commissioner may transfer to the account the amount allocated under section 162.125. Money in the account may be used to make loans. Funds in the municipal state-aid street revolving loan account may

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be used only for aid in the construction, improvement, and maintenance of municipal state-aid streets. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the municipal state-aid street revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the municipal state-aid street revolving loan account.

162.125 MATCHING FUNDS FOR MSAS REVOLVING LOAN ACCOUNT.

The screening board appointed under section 162.13, subdivision 3, may recommend to the commissioner that the commissioner allocate a portion of municipal state-aid street funds to the municipal state-aid street revolving loan account. The commissioner may allocate no more than the amount recommended by the screening board.

163.07 COUNTY HIGHWAY ENGINEER.

Subd. 3. **Leave of absence from state service.** Any registered professional engineer employed by the state when properly certified by the commissioner of transportation may be employed as an engineer on a full-time basis for any city, county, or any other governmental agency, and during the period of such employment and for the purposes of such employment , may be granted leave of absence from the state service, notwithstanding any limitation on leaves of absence contained in the Civil Service Act.

164.041 REMOVAL OF LEVY LIMIT; ROAD PURPOSES.

It is the intent of this legislation to remove all limitations relating specifically to the authority of a town to levy taxes for road and bridge purposes and any act for a single town or for a group of towns relating specifically to a limitation on the authority of a town to levy taxes for road and bridge purposes, however stated in mills, dollars, or a per capita amount is hereby superseded.

164.05 TOWN ROAD DRAINAGE TAX.

Subdivision 1. **Powers.** In any town in which the voters authorize the town board to do so as provided in this section, the town board may levy a town road drainage tax.

Subd. 2. **Collection; expenditure for specified purpose.** Such tax shall be certified to the county auditor, extended and collected and paid over to the town treasurer in the same manner as other town taxes and payment thereof shall be enforced in the same manner and with like penalties and interest as other town taxes. The proceeds of such tax shall constitute the town road drainage fund, which shall be expended by the town board in paying the cost and expenses of draining the public roads within the town.

Subd. 3. **Petition; notice; vote at town meeting.** When a petition signed by ten or more landowners and voters of a town shall be presented to the town clerk at least 20 days before the time of holding the annual town meeting, praying that the question of authorizing the town board to levy and assess a town road drainage tax be submitted to the voters of such town, the town clerk shall include in the notice of such annual town meeting a notice that such question will be voted on at such meeting. Such question shall be voted on by ballot and it shall be the duty of the clerk to provide at the expense of the town a suitable number of ballots, which may be printed or written or partly printed and partly written, in substantially the following form:

"Shall the town board be authorized to levy and assess a Town Road Drainage Tax?
(Yes ..) (No ..)"

Subd. 4. **Authorization by majority vote; recorded.** If a majority of the votes cast on the proposition be in the affirmative, the town board shall have authority to levy annually a tax as hereinbefore provided until such time as the electors, at an annual town meeting upon like procedure, shall have voted, by a majority vote of those voting on the question, to withdraw from the town board authority to levy such town road drainage tax. The votes on such question shall be canvassed and the result declared and recorded in the manner provided by law with reference to the election of town officers.

165.09 JOINT ESTABLISHMENT OF BRIDGE OVER NAVIGABLE STREAM.

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Subd. 5. **Approval of Secretary of Army.** All bridges over navigable waters of the United States shall receive the approval of the Secretary of Army before construction.

165.11 TOWN BRIDGES DESTROYED BY CALAMITY; RECONSTRUCTION.

When a bridge on a town road over a natural watercourse has been destroyed by unusual flood or calamity and the county in which such bridge is situated contributed to the original cost of construction thereof, and the town resolves to reconstruct the bridge, the county board and the town board by agreement shall determine the costs and responsibilities to be borne by each in the reconstruction of the bridge. The costs agreed upon to be paid by the town and the county shall be paid out of their respective road and bridge funds.

165.13 CLOSED COMBINATION BRIDGE; LEASE OR SALE BY COUNTY.

In any county in which a combination railroad and highway bridge is closed the county board may lease or purchase such bridge. The subsequent use and operation of the combination bridge shall conform to and be compatible with the existing uses adjoining both sides of that bridge. The county board may establish and from time to time adjust tolls to be charged for vehicular use of the bridge at the rate or rates and on the basis the county board may deem appropriate to provide revenues sufficient to finance the lease, purchase, operation, repair, and maintenance of the bridge and toll facilities. The revenues from the bridge tolls shall only be used for the lease, purchase, repair, operation, and maintenance of the bridge and toll facilities. Notwithstanding the provisions of this section, if the state purchases the combination bridge the county may lease the bridge from the state by contract.

169.16 SPEED ON BRIDGE.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(b) The commissioner, upon request from any local authority, shall, or, upon the commissioner's own initiative, may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and on finding that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commissioner shall determine and declare the maximum speed of vehicles which such structure can withstand and cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

(c) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the commissioner and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

169.835 FEDERAL QUALIFYING HIGHWAY.

The commissioner of transportation may not add routes to the system of federal qualifying highways submitted to the Federal Highway Administration in accordance with the Surface Transportation Assistance Act of 1982, United States Code, title 49, section 2311, except in compliance with the criteria established by the commissioner for the addition of routes.

169.867 SPECIAL MILK-HAULING PERMIT.

Subdivision 1. **Permit.** A road authority may issue an annual permit authorizing a single-unit vehicle to haul milk at weights that exceed the limitations provided in sections 169.823 and 169.824 by ten percent. The fee for this permit is as provided in section 169.86, subdivision 5, paragraph (c).

Subd. 2. **Expiration.** A permit under subdivision 1 may only be issued before August 1, 2012.

Subd. 3. **Requirements; restrictions.** A vehicle operating under a permit under subdivision 1:

- (1) is subject to seasonal load restrictions under section 169.87;
- (2) may not take advantage of seasonal weight increases authorized by section 169.826;
- (3) is subject to bridge load limits posted under section 169.84;

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- (4) may not be operated on the interstate highway system; and
- (5) may not be operated with a load that exceeds the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, sections 567.4 to 567.7.

173.0845 STAR LAKE OR RIVER SIGNS.

Subdivision 1. **Authority to erect.** (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under section 103B.701 may request the Department of Transportation to erect star lake or river signs pursuant to section 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes over a lake or river in the Department of Transportation's eight-county metropolitan district or near or over a lake or river in greater Minnesota.

(b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation pursuant to section 161.139.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

173.085 STAR CITY AND COUNTY SIGNS.

Subdivision 1. **Authority to erect.** (a) A county or lesser populated statutory or home rule charter city of Minnesota that has received instruction and expertise from the Department of Employment and Economic Development on attracting and retaining businesses for the county or city and subsequently has been designated and annually recertified as a star county or star city for economic development by that department may erect star county or star city signs upon payment of a fee required under section 173.13, subdivision 4, to the Department of Transportation. In the case of star cities, one sign may be erected at each approach to the city within the right-of-way of an interstate or other highway that passes inside the city limits. In the case of star counties, one sign may be erected within the right-of-way of an interstate or other highway at or near the point where the highway enters the county.

(b) Notwithstanding the provisions of paragraph (a), a lesser populated statutory or home rule charter city that has an official sign in an adjacent area of an approach of an interstate highway passing through or near the city as of August 1, 1985, may replace that sign with a star city sign upon payment of a fee required under section 173.13, subdivision 4, to the Department of Transportation. A county that has an official sign on the right-of-way or adjacent area of an interstate highway at the point where the highway enters the county may replace that sign with a star county sign on payment of a fee required under section 173.13, subdivision 4, to the Department of Transportation.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star county and star city signs to specifications not contrary to other federal and state highway sign standards and substantially similar to those star city signs approved for display on state highways as of August 1, 1985.

174.02 COMMISSIONER'S POWERS AND DUTIES.

Subd. 7. **Loans to commissioner.** The commissioner of transportation may apply for and receive loans, as defined in section 446A.085, subdivision 1, paragraph (d), from the transportation revolving loan fund created in section 446A.085, and may enter into agreements for the repayments of the loans.

174.03 DUTIES OF COMMISSIONER.

Subd. 1d. **Freight rail economic development study.** (a) The commissioner of transportation, in cooperation with the commissioner of the Department of Employment and Economic Development, shall conduct a freight rail economic development study. The study will assess the economic impact of freight railroads in the state and identify opportunities to expand business development and enhance economic competitiveness through improved utilization of freight rail options. Findings from the study shall be incorporated as an amendment to the statewide freight and passenger rail plan.

(b) The commissioner of transportation shall provide an interim progress report on the study by January 15, 2013, and a final report on November 15, 2013, to the chairs and ranking

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minority members of the legislative committees with jurisdiction over transportation policy and finance and over employment and economic development. The reports shall include any recommended legislative initiatives.

(c) The commissioner of transportation may expend up to \$216,000 in fiscal year 2013 under section 222.50, subdivision 7, to pay the costs of this study and report.

174.05 POLLUTION CONTROL AGENCY; RULES AND STANDARDS.

Subdivision 1. **Notification by Pollution Control Agency.** The commissioner of the Pollution Control Agency shall inform the commissioner of transportation of all activities of the Pollution Control Agency which relate to the adoption, revision, or repeal of any standard or rule concerning transportation established pursuant to section 116.07. Upon notification the commissioner shall participate in those activities. Participation may include, but is not limited to, access to all pertinent information collected or compiled by the Pollution Control Agency and transmittal to the commissioner of the Pollution Control Agency of information and expert opinions concerning the ability of affected modes of transportation to accomplish the desired objectives and the impact that alternative methods of attaining those objectives would have on present or planned transportation systems in the state.

Subd. 2. **Commissioner to submit review of proposed rules.** Prior to public hearings on any rule concerning transportation proposed by the Pollution Control Agency, the commissioner of transportation shall submit a written review of those rules, including an analysis of their impact upon the state's transportation system, and may propose alternative rules or standards. This report shall be made part of the record of the hearing and shall be made available to any person prior to the hearing.

Subd. 3. **Report by Pollution Control Agency.** Upon the adoption, revision or repeal of a rule concerning transportation, the commissioner of the Pollution Control Agency shall publish a written report of the manner in which the adopted rule reflects consideration of the factors specified in section 116.07, subdivision 6, and the specific issues raised in the commissioner of transportation's report.

174.06 TRANSFER OF POWERS.

Subd. 8. **Recommendation for statutory revision.** The commissioner shall submit, together with the proposals required by subdivision 7, specific recommendations of language to update all statutory sections which relate to the operation of the department and are in need of revision. The commissioner's report shall give special consideration to sections affecting rulemaking and public hearings, to language or provisions rendered obsolete by passage of time, and to overall clarity and brevity of the statutes.

174.19 PETROLEUM STORAGE TANKS.

Specifications issued by the commissioner of transportation relating to the procurement of underground fuel storage tanks by the Department of Transportation and used by the department must be written in such a way that they include all types of fiberglass and steel underground storage tanks that have been approved by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency for underground storage of fuel, or meet the standards for tank approval established by those agencies.

174.256 PARK-AND-RIDE PROGRAM.

Subd. 5. **Evaluation.** The commissioner shall evaluate or contract for the evaluation of park-and-ride programs developed under this section and submit a report to the legislature by January 15, 1981, including the following information:

- (1) the amounts of money spent or obligated for the park-and-ride program by the commissioner and the persons receiving those amounts;
- (2) the number and type of public park-and-ride lots in use and a physical description of each;
- (3) the types of lots in use, number of individuals served, and areas covered;
- (4) a comparison of the cost of providing different types of service;

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(5) a review of the achievements or failures of the project, problems encountered in implementation, and conclusions and recommendations concerning future action.

174.50 MINNESOTA STATE TRANSPORTATION FUND.

Subd. 6a. **Grant for preliminary engineering of river crossing.** (a) The commissioner may make a grant to any political subdivision for preliminary engineering of a river crossing which requires extensive studies and evaluations to determine the environmental impact, location and design features of the crossing. A grant shall not exceed \$300,000 for a single bridge project and shall not be used for the preparation of construction plans or specifications.

(b) Application for a grant shall be made by resolution of the governing body of the subdivision proposing to construct or reconstruct the bridge. A grant under this subdivision is subject to the procedures and criteria provided in subdivisions 5 and 6. A grant shall also be subject to the priority ranking established under the existing rules of the department if the proposed bridge has been ranked under those rules. No new rules are required for the administration of the grant program established by this subdivision.

Subd. 6b. **Bridge engineering and design costs in smaller cities.** Until June 30, 2007, the commissioner may make grants from the state transportation fund to a home rule or statutory city with a population of 5,000 or less and a net tax capacity of under \$200,000 for design and preliminary engineering of bridges on city streets. Grants under this subdivision are subject to the procedures and criteria established under subdivisions 5 and 6, and may be used for 100 percent of the design and preliminary engineering costs. Total grants under this subdivision to all cities may not exceed \$200,000.

181.28 LOCOMOTIVE ENGINEERS, HOURS.

Locomotive engineers and fire tenders shall not be required to serve as such for more than 14 consecutive hours. At least nine hours, or as many hours less as are asked for by these engineers or fire tenders, shall be allowed for rest before being again required to go on duty. Nothing herein shall permit any such engineer or fire tender to desert a locomotive when, by reason of accident or of delay caused by the elements, another cannot immediately be procured as a replacement, nor prohibit them, in any case, from serving longer than 14 hours if they so desire. Every superintendent or other officer or employer of a railway company who shall order or require any service in violation of this section shall be guilty of a misdemeanor, and such company shall be liable to any engineer or fire tender for injuries sustained in consequence of such violation.

181.29 CERTAIN RAILROAD EMPLOYEES, HOURS.

It shall be unlawful for any railroad company within the state, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any rolling stock, engine, or train, to remain on duty more than 16 consecutive hours, or to require or permit any such employee who has been on duty 16 consecutive hours to perform any further service without having had at least eight hours' rest, or to require or permit any such employee to be on duty at any time to exceed 16 hours in any consecutive 24 hours. This section shall not apply to work performed in the protection of life or property in cases of accident, wreck, or other unavoidable casualty, and it shall not apply to the time necessary for train workers to reach a resting place when an accident, wreck, washout, snow blockade, or other unavoidable cause has delayed their train.

181.30 DUTY OF DEPARTMENT OF TRANSPORTATION.

Any officer of any railroad company in the state violating any of the provisions of section 181.29 is guilty of a misdemeanor. It shall be the duty of the state Department of Transportation, upon complaint properly filed with it alleging a violation of section 181.29, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony and require the production of books and papers, and if such report shall show a violation of the provisions of section 181.29, the Department of Transportation shall, through the attorney general, begin the prosecution of all parties against whom evidence of such violation is found; but section 181.29 shall not be construed to prevent any other person from beginning prosecution for the violation of the provisions thereof.

218.021 COMMON CARRIER, UNLAWFUL ACTS.

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Subdivision 1. **Discriminatory practices.** It shall be unlawful for any common carrier:

(1) to charge, demand, collect or receive for any service a greater or a lesser sum than that fixed in its published schedules;

(2) to make or give any undue or unreasonable preference or advantage, or any undue or unreasonable prejudice or disadvantage, to any person, company, firm, corporation, transit point or locality or to any particular description of traffic;

(3) by any special rate, rebate, drawback or other device, directly or indirectly, to charge, demand, collect or receive a greater or less compensation for any service rendered in the transportation of any property within this state than the regular established schedule of rates and charges for like and contemporaneous service for any other person, or for the public generally; or, directly or indirectly, to offer or give any shipper, in connection with or as an inducement or reward for receiving any property for transportation, any gift, gratuity or free pass or any rate less than that offered to the public;

(4) except as expressly permitted, to charge a greater rate per ton or per ton mile for a single carload of freight of any kind or class than for a greater number of carloads of the same kind or class, to and from the same points of origin or destination;

(5) to charge or receive any greater compensation for the transportation of a quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer, but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; or to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure or to the same point of arrival, but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance;

(6) to charge or receive for the transportation of freight of any description for any distance within this state a greater amount than is at the same time charged or received for a like quantity of freight of the same class over a greater distance of the same railway; or to charge or receive at any point upon its road a higher rate for receiving, handling or delivering freight of the same class or quantity than it shall at the same time charge or receive to any other point upon the same line; or to charge or receive for freight of any description over its railway a greater amount than at the same time is charged or received for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or to charge or receive from any person a greater amount than it shall at the same time charge or receive from any other person for the same class and like quantity of freight at the same point upon its railway; or to charge or receive from any person for the transportation of any freight upon its railway a greater amount than it shall at the same time charge or receive from any other person for the transportation of a like quantity of freight of the same class being transported from the same point over an equal distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad for any distance, a greater amount than is at the same time charged or received from any other person for the use and transportation of any railway car of the same class or number for a like purpose being transported over a greater distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad a greater amount in the aggregate than it shall at the same time charge or receive from any other person for the use and transportation of any railway car of the same class for a like purpose being transported from the same original point of an equal distance of the same railway; provided, however, where two or more railroads serve a common point one having a shorter mileage than the other from a given point, the railroad having the longer mileage may be authorized by the commissioner to meet the rate made by the shortest line;

(7) to charge or receive more for transporting a car of freight than is charged or received per car for several cars of a like class of freight over the same railway for the same distance; or to charge or receive more for transporting a ton of freight than is charged or received per ton for more than a ton but less than a carload of like class over the same railway for the same distance; or to charge or receive more for transporting one hundred pounds of freight than is charged or received per hundred pounds above one hundred pounds but less than a ton of like class over the same railway for the same distance.

Subd. 2. **Exceptions.** Nothing herein shall prohibit carriage, storage or handling of property free or at reduced rates for the United States, the state, or any governmental subdivision thereof, ministers of religion, persons who have taken a vow of poverty as members of a religious order, missionaries, students of educational institutions or inmates of charitable institutions, or for

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charitable purposes, or for exhibition at fairs or at expositions, nor prohibit the interchange of freight transportation and message service between railroad, motor bus and telegraph companies.

218.031 COMMON CARRIER, DUTIES.

Subdivision 1. Notice, compliance, freight transfer, facilities, records, accounting.

Except as otherwise directed or authorized, it shall be the duty of every common carrier:

(1) to prescribe in the first instance, and to publish upon not less than 20 days' public notice in the case of new or increased rates or ten days' public notice in the case of reduced rates, in such manner as may be required by the commissioner and law, all schedules of rates and charges and classifications thereof, together with the rules governing the same, and minimum weights for transportation of freight articles between points or stations in the state, and terminal and switching charges. A new or changed contract rate shall become effective in accordance with the provisions of United States Code, title 49, section 10713. The commissioner may, for good cause, reduce the notice period specified in this clause;

(2) to comply with every duly authorized rule or directive of the commissioner except as the same may be stayed, pending appeal therefrom;

(3) to put into effect and observe all schedules of rates and charges and classifications and any amendments or changes therein duly ordered by the commissioner, except as the same may be stayed, pending appeal;

(4) to maintain as may be directed by the commissioner for public inspection at stations and depots all schedules showing all classifications, rates and charges for transportation of freight currently in force applying from such station. Such schedules shall state the places between which property will be carried and show the classification of freight, the distance tariff, a table of distances between stations, any terminal charges and any rules in any way affecting the aggregate of such rates and charges;

(5) upon request of an owner or consignor of freight to the initial company, whenever the initial line does not reach the place of destination, or the distance from the place of origin to destination may be shortened, to transfer such freight to a connecting line without change in cars if in carload lots, except such change be free of charge to the shipper and receiver; and to transfer with or without change in cars of less-than-carload lots at a reasonable joint through rate agreed upon by the connecting carriers or prescribed by the commissioner, not greater than the maximum rates allowed by law, provided any unloading and reloading which is necessary shall be at cost and the charge for such transfer included in the joint rate;

(6) to provide the same switching, transfer and handling facilities for local as for interstate traffic;

(7) upon written demand of the owner, to construct, maintain, and operate side tracks and reasonable facilities connecting with any grain warehouse, dock, wharf, mill, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant or manufactory as may be required by the commissioner, and on such terms as may be agreed upon, or, on failure of agreement, as may be prescribed by the commissioner;

(8) to issue receipts or bills of lading covering all property received for transportation from any point in the state to any other point in the state, and to respond for any loss, damage or injury to such property caused by it or any carrier to whom such property may be delivered or over whose line it may pass;

(9) to refund all overcharges for freight, baggage or express, and pay for any loss, damage or injury to property while in its possession, within 90 days after the filing of a claim for such overcharge, loss or damage;

(10) to keep its accounts so as to show, as far as practicable, the earnings derived from, and the expenses incurred in, handling intrastate business in such form as the commissioner shall prescribe, including the separation of accounts for each operating division, wholly or partly within the state. Such accounts shall show the total cost of operating through trains and the total cost of operating the local or distributing trains of each operating division, wholly or partly within the state, during the fiscal year to be fixed by the commissioner, the total number of tons of revenue and nonrevenue freight, the number of tons of each carried one mile on the through trains and on the local trains, respectively, the number of tons and ton miles of revenue and nonrevenue freight carried on through or local trains which are exclusively intrastate, and the gross tons and ton miles made by through and local trains on each division. The accounts shall show the total revenue and nonrevenue train and engine miles and the total revenue and nonrevenue car miles (the nonrevenue car miles to be shown loaded and empty separately) produced by such railroad in the state in each operating division, the number of each of the above train, engine and car mileage produced in handling the through trains and in handling the local trains, the total locomotive miles produced in

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switching on each division and such further information related to the income or cost of intrastate business as the commissioner may require. The commissioner may require such accounts to be kept with reference to the intrastate passenger business of each carrier and the train, car and engine mileage incurred in such business in this state as the commissioner may deem necessary;

(11) during pendency of any litigation, when rates prescribed by the commissioner have not been put into effect, to keep a correct account of every charge made by it for any services to which such rates apply in excess of the rates prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged, the date of the transaction, the stations between which the business was carried and the names and addresses of the consignor and consignee, and to report such information in full to the commissioner on the commissioner's request.

Subd. 3. **Liability.** Nothing in this chapter shall limit the liability of common carriers at common law with reference to property in their custody, including absolute responsibility for the acts of their agents with reference thereto, nor shall liability be limited by contract or otherwise, except as stated in their published classification schedules.

Subd. 4. **Loss recovery.** A common carrier, issuing any receipt or bill of lading, shall be entitled to recover from the carrier on whose line loss, damage or injury shall have been sustained, such amount as it may be required to pay to the owners of the property as evidenced by any receipt, judgment or transcript thereof.

Subd. 5. **Bridge, toll.** Any railroad company may construct and maintain at its own expense any bridges and the approaches thereto so as to answer for ordinary travel and, unless within one mile from a toll bridge previously built by an incorporated bridge company over the same stream, may charge and collect for its use reasonable toll, subject to the approval of the proper county board. A toll shall be uniform and the rates shall be conspicuously posted on or near the toll house. The company may contract with any person or corporation for the payment of a fixed sum yearly or otherwise in lieu of toll.

Subd. 6. **Court actions, venue, remedies.** An action or proceeding may be instituted, upon verified complaint of the commissioner or any interested person in any district court of any county wherein a common carrier has a principal office or into which its railroad extends, for the enforcement of any provision of this chapter, or any order, rule or directive of the commissioner, and the court may grant provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, including temporary mandatory or restraining orders. Except when there is a constitutional right to trial by jury not expressly waived, all such proceedings shall be tried summarily by the court and such matters shall take precedence over all other matters except criminal cases.

Subd. 7. **Claim.** Every claim against a common carrier for any overcharge or difference in weight or for loss, damage or injury to property while in its possession, shall first be filed with either the agent at point of origin or of destination or with the freight claims department of the carrier. It shall not be filed until after arrival of shipment or some part thereof at destination or until after a lapse of reasonable time for the arrival thereof. It shall consist of: (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, (d) original invoices or certified copies, when necessary. True copies may be used or, in the absence thereof, an explanation. If a claim is not paid or adjusted within 90 days of its filing, suit may be commenced in any court of competent jurisdiction, in which all persons similarly situated may intervene or be joined and, if claimant prevails, a penalty of ten percent, plus legal interest, reasonable attorneys' fees, costs and disbursements shall be allowed.

Subd. 8. **Order and rule considered fair and reasonable.** In all proceedings under this section, any final and duly promulgated material order, rule or directive of the commissioner and all schedules of rates, fares or charges fixed by the commissioner shall be deemed and taken in all courts as prima facie fair and reasonable.

Subd. 9. **Court costs, fees, and disbursements.** In all proceedings under this section, the court may order payment of costs, counsel fees and disbursements as it deems just and reasonable.

Subd. 10. **Liability for damages and attorneys' fees.** Any common carrier which shall do or cause to be done any unlawful act, or fail to perform any duty prescribed, or violate any duly established order, rule or directive of the commissioner, or which shall aid or abet in the performance of any unlawful act or in the failure to perform any such duty, shall be liable in damages to any person injured thereby, and that person, if that person recovers, shall be allowed, in addition to damages, reasonable attorneys' fees, together with costs and disbursements.

218.041 DUTIES OF COMMISSIONER.

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Subdivision 1. **Operation, system of accounts, service, facility.** With respect to all common carriers including express companies the commissioner shall investigate the management thereof, the manner in which their businesses are conducted, and the adequacy of the services they are affording the public and shall prescribe uniform systems of keeping and rendering accounts and the time within which such systems shall be adopted. The commissioner shall make all appropriate orders relating to continuation, termination, modification or extension of services and facilities with a view to properly promoting the security and convenience of the public.

Subd. 2. **Commissioner's duties under federal law.** The commissioner shall, in accordance with the provisions of United States Code, title 49, sections 10101 to 11917:

- (1) exercise the jurisdiction over common carriers vested in the commissioner by law;
- (2) review and ascertain the reasonableness and equalities of all schedules of rates and charges or any part or classification thereof, including joint through rates, and, if found unreasonable or discriminatory, establish new schedules and prescribe the form and manner of filing, posting, and publication thereof;
- (3) order the issuance of any franchises, permits, or certificates of convenience and necessity;
- (4) the commissioner may unite two or more stations or commercial centers into a common rate point and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distance so fixed shall not apply as a measure of the rate for the movement of freight for similar distances between other points;
- (5) prescribe a schedule of joint through railway rates for freight over two or more connecting lines of railway and revise the same from time to time. In so doing, the commissioner shall consider, among other things, rates established for shipments within this state for like distances over single lines, rates charged by the railway companies operating such connecting lines for joint interstate shipments, and the increased cost, if any, of a joint through shipment as compared with a shipment over a single line for like distances. In establishing rates for shipments in less than carload lots, in cases where connecting railways are not required to have common stations or stopping place for loading or unloading freight at connecting points, the commissioner shall regulate the transportation of such freight from the usual unloading place of one railway to the usual loading place of the other. The share of any railway company of any joint through rates shall not be construed to fix the charge that it may make for a similar distance over any part of its line for any single rate shipment, or the share of any other joint rate. Where the line of a railway company connects the point of shipment with the point of destination but would require a longer haul than a joint haul for which a joint rate has been established, the commissioner may authorize charging the joint rate for the single haul without affecting the charge upon any other part of its line except that the charge for a like kind of property must not be greater for a shorter than for a longer distance upon that railroad, all of the shorter hauls being included within the longer;
- (6) define switching and drayage service to apply to the movement of traffic within and between points and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation. If it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching for its just share of such charge as may be agreed upon among the companies, or, in the event of disagreement, as prescribed by the commissioner.

Subd. 7. **Ratemaking powers.** The commissioner may, upon the commissioner's discretion and without hearing:

- (1) upon application by a carrier stating that it desires to establish a rate for a temporary period for the protection of the interest of the carriers or its shippers, authorize and establish the temporary rate, and extend the rate as the circumstances of the case may require, and permit the restoration of the rate existing at the time of the application without further proceedings;
- (2) approve the establishment, change, or alteration of any rate, charge or classification, minimum rate, or rule governing the same, to which a common carrier is a party, upon application of the common carrier in writing, when the application appears to be noncontroversial;
- (3) authorize, on less than ten days' public notice, schedules containing classifications, rates, fares and charges for the transportation of freight and passengers;
- (4) retain general ratemaking authority in intrastate transportation of livestock.

219.55 LOADING PLATFORM.

When required by the commissioner of transportation, a railroad company shall construct and maintain at each station and siding a suitable platform for loading grain, livestock, and other commodities into its cars for shipment. The commissioner may require the enlargement of

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the platform or the construction of additional platforms at a station or siding, when it deems it necessary for that purpose. A company that fails to construct the platform within 60 days after service of the commissioner's order requiring construction, shall forfeit to the state \$25 for each day that the platform remains unconstructed.

219.562 VEHICLE FOR HIGHWAY USE; EQUIPMENT.

Subdivision 1. **Requirements.** A motor vehicle designed for highway use and used by a railroad company operating in this state for transporting employees, tools, and supplies must be equipped to provide:

- (1) adequate heating in all kinds of inclement weather;
- (2) adequate, safe seating facilities so that each employee transported may be seated;
- (3) a communication system between the cab and the rear compartment;
- (4) suitable and adequate containers or boxes to hold tools, equipment, and supplies, so located and attached to the vehicle that the containers or boxes and the tools, equipment, or supplies will not shift, topple, or roll; and
- (5) toilet facilities if the motor vehicle is used to transport more than nine employees to and from headquarters.

Subd. 1a. **Exception for emergency.** For an emergency arising from common disaster or adverse weather such as flooding, washout, excessive snow or icing, or derailment or defect in track requiring prompt repair, motor vehicles which do not meet the standards in subdivision 1 may be used only during the emergency.

Subd. 3. **Dispute.** Should a dispute arise as to the adequacy of the facilities provided for in subdivision 1, it may be submitted for final determination to the commissioner of transportation after notice of the hearing to affected parties.

Subd. 4. **Penalty.** A railroad company, or its officer or agent, violating this section is guilty of a misdemeanor.

219.565 ENGINEER WHO CANNOT READ.

An officer of a corporation is guilty of a gross misdemeanor if that officer knowingly employs, as an engineer or engine driver to run locomotives or trains on a railway, a person who cannot read the timetables and ordinary handwriting.

Also, a person is guilty of a gross misdemeanor if that person is unable to read the timetables of the road and ordinary handwriting and acts as an engineer or runs a locomotive or train on a railway.

219.566 INTOXICATION OF EMPLOYEE ON TRAIN OR BOAT.

Every person (1) employed upon a railway as engineer, conductor, baggage master, brake tender, switch tender, fire tender, bridge tender, flagger, or signaler; (2) having charge of stations, starting, regulating, or running trains upon a railway; or (3) employed as captain, engineer, or other officer of a vessel propelled by steam, who is intoxicated while discharging those duties, is guilty of a gross misdemeanor.

221.123 EFFECT OF DEATH OF HOUSEHOLD GOODS CARRIER PERMIT HOLDER.

This section governs the transfer of a household goods carrier permit in the event of the death of the permit holder. Within one year after the transfer of a permit of a deceased permit holder by the deceased permit holder's personal representative, or within one year after the date of a decree or order issued by the district court transferring the permit of a deceased permit holder, the distributee, as defined in section 524.1-201, who received the permit shall apply to the commissioner to have the permit transferred under the provisions of section 221.151.

If an application to transfer the permit is not filed within the time prescribed above, the permit is revoked and the commissioner shall so notify the person who had received the permit.

221.151 PERMIT ASSIGNABLE OR TRANSFERABLE.

Subdivision 1. **Petition.** (a) Permits issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment.

(b) The proposed seller and buyer or lessor and lessee of a permit shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying

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number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner from the contents of the petition and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service, the commissioner may make an order granting the sale or lease.

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section.

221.241 TRANSPORTING FOOD FOR HUMAN CONSUMPTION.

No motor carrier engaged in either intrastate or interstate commerce shall transport for hire food for human consumption in any motor vehicle which the carrier uses for the transportation of livestock, unless such motor vehicle has been cleaned.

221.295 NOTICE TO METROPOLITAN COUNCIL.

Notwithstanding any provision of any statute to the contrary, the Metropolitan Council must be notified by the commissioner of any matter affecting public transit or an existing or proposed transit system within the seven-county metropolitan area, which matter is formally or informally before the commissioner for action or which is under study, including the initiation of any request for action or study and prior to any hearings on other proceedings, whether ex parte or otherwise. Notification must in all cases be given in a manner, at such time, and with such information and data available to the commissioner as to enable the Metropolitan Council to meaningfully evaluate, participate in, and comment upon the matter. The commissioner shall not approve, deny, or otherwise attempt to resolve or act upon the matter until receipt of the comments and advice of the Metropolitan Council with respect thereto, but if none are received they may act within 30 days after demand of the Metropolitan Council, or otherwise by mutual agreement. If the commissioner takes action in any way contrary to or different from the comments and advice of the Metropolitan Council, they shall specifically state the reasons and factual data for the action.

222.04 SELECTION OF SWAMP LANDS.

Any railroad company to whom swamp lands have been granted by the state which, by the terms of the grant, is required to make selection and receive patents therefor, shall make selections and file lists with the commissioner of management and budget within one year from the date when the right to select shall accrue, but not thereafter. Upon the approval of these lists by the commissioner of management and budget, the governor shall immediately issue deeds for the same; but if there be no swamp lands certified or patented from which such selection can be made, then such company shall have one year from and after the date of the certifying of such lands within which to make its selection. If such railway company shall neglect or refuse to make selection within the time hereinbefore specified, the right to select shall terminate, and the commissioner of management and budget shall forthwith select and set apart from the swamp lands of the state lying nearest such company's railway an amount of land sufficient to complete the grant, and no other or different lands than such as have been selected by the company within the time specified or set apart by the commissioner of management and budget shall be certified or conveyed to such company.

222.06 PROPERTY TRANSACTION BETWEEN COMPETITORS; PENALTIES.

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Any domestic or foreign railroad corporation may lease, purchase, or in any other way become the owner of, or may control or hold the stock of any other railroad company, when their respective roads can be lawfully connected and operated together, so as to constitute one continuous line, with or without branches. When such lease or purchase shall be made by a foreign corporation it shall not be effectual for any purpose until such corporation shall have first complied with all the laws of this state pertaining to such corporation, when it shall have the same rights, powers, privileges, and be subject to the same duties, obligations, and liabilities in respect to the railroad so leased or purchased, as pertained to such road. The corporation so leasing or purchasing shall be subject to any law of this state now in force or hereafter enacted relating to the taxation of the properties so leased or purchased. No railroad corporation shall consolidate with, lease, or purchase, or in any way become the owner or have the control of any other railroad corporation, or any of the stock or franchises thereof, which owns or controls a railroad parallel to and competing with the railroad owned or controlled by such leasing or purchasing corporation; nor shall any railroad corporation purchase or in any way become the owner of any property owned and operated by any other railroad corporation as a part of a railroad which is parallel and competing to and with the railroad of such purchasing company; and the question whether any of such railroads are parallel or competing lines shall, at the election of the party complaining, be decided by a jury as in civil cases. Any railroad corporation which shall consolidate with, lease, or purchase, or in any other way become the owner or acquire the control of any other railroad corporation, or any of the stock or franchises thereof, which owns or controls a railroad parallel and competing with the railroad owned or controlled by such leasing or purchasing railroad corporation, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$3,000, nor more than \$35,000; and any officer of the leasing or purchasing company who shall aid, abet, or participate in any violation of this section shall be guilty of a misdemeanor.

222.07 LIABILITY FOR LEASING TO FOREIGN CORPORATION.

Any railroad corporation organized under the laws of this state, which heretofore may have leased, or which hereafter may lease, its tracks and right-of-way to a foreign railroad corporation shall continue liable to any person injured in person or property in consequence of the negligent operation over such right-of-way of the trains of such leasing company to the same extent as if operated by such Minnesota corporation as the owner thereof.

222.08 WHEN CONSOLIDATION FORBIDDEN.

The consolidation of the capital stock, lines, property, franchises, control, or the power of control, of two or more parallel and competing lines of railroad in the hands of any corporation, trustee, agent, or representative of any corporation, wherever situated, is hereby prohibited and made unlawful.

222.09 WHEN CONSOLIDATION PERMITTED.

Any domestic or foreign railroad corporation, upon such terms as may be agreed upon, may consolidate its stock and franchises with any other railroad corporation whose lines of railroad now or hereafter constructed within or without this state can be lawfully connected and operated with such first named corporation, so as to constitute one continuous main line, with or without branches, and admit of the passage of trains over them without break or interruption, and may become one corporation under any name selected by them. A certificate stating the terms of consolidation shall be approved by each corporation by a vote, in person or by proxy, of the stockholders owning a majority of the stock, at a regular annual meeting thereof, or at a special meeting called for that purpose by not less than 30 days' personal notice, or by published notice at its principal place of business, stating the object of such meeting, and by mailing a copy of such notice to each stockholder whose residence is known, or by the written consent of a majority of such stockholders attached to the certificate. Before such consolidation shall be effective for any purpose, a copy of the certificate thereof, and of the record of such approval or consent, and a list of the stockholders of each corporation and the number of shares held by each, duly certified by its president and secretary under its corporate seal, shall be filed for record in the Office of the Secretary of State of this state and of each state or territory under whose laws the corporations so consolidating were organized.

222.10 RIGHTS AND DUTIES OF CONSOLIDATED CORPORATION.

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Upon the filing for record of these copies, such corporations shall become merged in the new corporation, which shall thereafter be known by the name agreed upon. Within this state, such corporation shall succeed to all the rights, powers, franchises, contracts, privileges, and immunities, and be subject to the same duties, liabilities, and obligations in all respects as were granted to or imposed upon the original corporations; but all rights of creditors and all liens upon the property of either of the consolidating corporations shall be preserved unimpaired, and all the debts, liabilities, and duties of either shall thenceforth attach to the new corporation, and be enforceable to the same extent and in the same manner as if such debts, liabilities, and duties had been originally incurred by it. Such corporation shall be subject to the laws of this state and the jurisdiction of its courts in the same manner and to the same extent as domestic corporations.

222.11 METHOD OF COMBINATION.

Any domestic railroad company authorized by law to consolidate its property and franchises, or any portion thereof, with the property and franchises or any portion thereof of another railroad company, or to purchase the railroad property and franchises, or any part thereof, of another railroad company, may effect such consolidation or purchase by acquiring the stock, bonds, or other securities of such other railroad company, and for the special purpose of acquiring the same may create, issue, or dispose of its own stock, bonds, or other securities, in addition to the amounts it is otherwise authorized to issue, to an amount not exceeding the actual value of the stock or bonds of such other company acquired by it. It may also create, issue, and dispose of such amounts of stock for any other authorized purpose as the board of directors may find necessary. Prior to the issue of any stock under the provisions of this section, the corporation shall file with the secretary of state a duly authenticated resolution of its board of directors, stating the number and par value of the shares so to be issued and the purpose of such issue. No railroad company shall sell its capital stock for less than its full par value in money, property, work, or services, and no such company shall issue or sell any stock or do any act prohibited by any other law relating to such matters.

222.12 AID IN CONSTRUCTION OF CONNECTING ROAD.

Any domestic railroad corporation, heretofore or hereafter organized, may aid any other railroad corporation in the construction of its road, by subscription to its capital stock or otherwise, for the purpose of forming a connection with such other railroad; or any railroad corporation may lease or purchase any part or all of a railroad constructed by any other corporation whose lines of road are continuous or connected but not parallel with its own, upon any agreed terms and conditions; or any two or more railroad corporations whose lines are so connected may enter into any arrangement for their common benefit, consistent with and calculated to promote the objects of, their organization; but no such aid shall be furnished, nor any purchase, lease, or other arrangement perfected, until a meeting of the stockholders of each such corporation shall have been had, and the holders of at least two-thirds of the stock represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

222.13 BONDS; FUNDING INDEBTEDNESS.

Any domestic railroad corporation may borrow money, execute its bonds or promissory notes therefor, and secure payment thereof by mortgage or pledge of its property or income, or both; but the amount of its indebtedness or liability, exclusive of that so secured, shall not at any one time exceed two-thirds of the amount of its capital or the amount specified in its certificate of incorporation. Such corporation may issue bonds and promissory notes in lieu and in payment of outstanding bonds, bearing such rate of interest as may be agreed upon, and, if the certificate of incorporation so provides, one or more persons selected by the holders of such bonds may be admitted into the board of directors upon such terms and conditions and under such regulations as may be agreed upon between the corporation and its bondholders or their trustees.

222.141 MORTGAGE OR DEED OF TRUST.

In any case where any domestic or foreign telegraph or telephone company has mortgaged or executed deeds of trust of the whole or any part of its property or franchises and has issued its corporate bonds secured by such mortgages or deeds in compliance with section 301B.04, such

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mortgages, deeds of trust and bonds are hereby legalized and made valid and effectual for all intents and purposes without regard to the rate of interest borne by such bonds.

222.15 ROLLING STOCK; LIEN FOR PURCHASE MONEY.

In any contract for the purchase and sale of railroad equipment or rolling stock, whether deliverable at once or at future stated times, by the terms of which the purchase money is to be paid wholly or partly after such delivery, it may be agreed that the title to such property shall not pass to the vendee until the purchase price shall have been fully paid, or that the vendor shall have and retain a lien thereon for the unpaid purchase money, notwithstanding delivery thereof. The term of credit for purchase money shall not exceed 15 years from the execution of the contract.

222.16 LEASE; CONDITIONAL SALE.

In any contract for the leasing of railroad equipment or rolling stock, the parties may stipulate for a conditional sale thereof at the termination of such lease, that the rentals, as paid or when paid in full, may be treated and applied as purchase money, and that the title to such property shall not vest in the lessee or vendee until the purchase money shall have been fully paid, subject to the proviso in section 222.15.

222.17 EQUIPMENT TRUST COVERING ROLLING STOCK.

Every equipment trust covering railway rolling stock shall be acknowledged by the railroad as in the case of a conveyance of land, and shall be filed for record with the secretary of state and with the county recorder of the county in which, at the time of its execution, the principal office or place of business of the railroad is situated in this state. Upon compliance with this section, such equipment trust covering railway rolling stock shall be valid and effectual, both in law and equity, against all purchasers and creditors.

222.18 RECORDING DEED OR MORTGAGE.

Subdivision 1. **Recording required; procedure; notice.** A mortgage or deed of trust covering real property in whole or in part to secure a debt executed by a railroad, telegraph or telephone company shall be recorded in the office of the county recorder of each county through which the railroad, telegraph, or telephone line runs, or in which it may hold land. To secure the right of all parties interested under such mortgage or deed so executed and recorded, the personal property belonging or appertaining thereto shall be deemed a part of the line and, notwithstanding the provisions of the Uniform Commercial Code, the record of such mortgage or deed shall be notice of the rights of all parties in the real and personal property covered thereby.

Subd. 2. **Mortgage previously recorded; notice.** Any instrument described in subdivision 1 heretofore recorded as provided therein shall be deemed to have been validly recorded and to be notice of the rights of the parties thereto in the real and personal property covered thereby.

222.19 PREFERRED AND SPECIAL STOCK, INCOME CERTIFICATE.

Any domestic railroad corporation may create, issue, and dispose of special and preferred stock and income certificates to such amounts, in such form, and for such purposes as may be determined by its board of directors, with the assent of the holders of at least three-fourths in amount of its then outstanding common capital stock. No increase of any special or preferred stock or of any income certificates shall be made without the assent thereto of the holders of three-fourths in amount of the special or preferred stock or income certificates to be affected by such issue, as the case may be.

222.20 RIGHT TO VOTE FOR DIRECTORS.

Such corporation, in such manner, under such regulations, and to such extent as may be prescribed by its board of directors and assented to by the holders of at least two-thirds in amount of its then outstanding common capital stock, may confer upon the holders of bonds or other obligations issued to evidence or secure its indebtedness, or upon the holders of its special or preferred stock, or of its income certificates, or of any particular class thereof, or upon all or any of them, the right to vote for directors, and to choose from the stockholders, special, preferred, or

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common, or from the holders of the bonds or income certificates of such corporation, one or more members of its board of directors.

222.21 AGREEMENT ON CONTROL OF PROPERTY.

Any domestic railroad corporation may enter into an agreement with the holders of its bonds or other obligations issued to evidence or secure its indebtedness, or with the holders of any particular class of such bonds or obligations, or with the holders of its special or preferred stock or income certificates, or with any particular class or portion thereof, in relation to the sale, lease, or control of the property and franchises of such corporation which shall receive the assent of the holders of two-thirds in amount of each class of special, preferred, and common stock and then outstanding income certificates, at a meeting of the holders of such stocks and certificates called for that purpose in the same manner as other stockholders' meetings are called; but a certificate of such assent, under the corporate seal, and a certified copy of the agreement so assented to, shall be filed with the secretary of state within 30 days after the meeting at which such assent was given, and a copy of the agreement shall be printed upon, or attached to, the class of bonds or other obligations, or the special or preferred stock or income certificates with the holders of which such agreement has been made, and also printed upon or attached to the certificates of common stock.

222.22 SUBSCRIPTION BOOKS; COMMENCEMENT OF WORK.

The incorporators named in any certificate of incorporation, at the first annual meeting, or at a time designated by them before such meeting, may obtain books for subscription to the capital stock of such corporation, under such regulations as they shall prescribe; and when sufficient stock has been subscribed to justify the same, and the first installments thereon paid in, the incorporators or directors may order work commenced, and they shall thereby become invested with all the rights, privileges, and franchises conferred by this chapter.

222.23 UNPAID AND FICTITIOUS STOCK; PENALTY.

No domestic railroad corporation or consolidated corporation existing in whole or in part within this state, nor any officer thereof, shall sell, dispose of or pledge any shares of its capital stock, or issue any certificates of shares thereof until such shares have been paid in full, or issue any stock or bonds except for money, labor or property, to the par value of the stock and the market value of the bonds, not less than 90 percent of the par value thereof, actually received and applied to the purpose for which the corporation was organized; and all fictitious stock, dividends, increase of capital stock or indebtedness shall be void. Every officer who shall issue, sell, pledge, or dispose of any shares or certificates of shares of capital stock contrary to the provisions hereof shall be guilty of a felony.

222.24 MAY EXERCISE FRANCHISE ELSEWHERE.

Every domestic railroad corporation may exercise all its rights, franchises, and privileges in any other state or country, subject to the laws thereof, and may also exercise therein any other or additional powers applicable to such corporation under the laws of such state or country.

222.25 CONNECTION WITH OTHER ROAD.

Any railroad company, in the location of its line of road, may cross, intersect, join, or unite its railroad with the constructed railroad of any other company at any point on its route. If the corporations cannot agree upon the amount of compensation to be paid therefor, the same shall be ascertained and determined by condemnation proceedings under the power of eminent domain, as in other cases; and, in case such companies shall disagree as to the place and manner of such crossing or connection, the district court, at the time of appointing commissioners in such condemnation proceedings, upon application of either party, shall prescribe the location and manner in which such crossing or connection shall be made, so as to effect the purpose of the petitioner and do the least injury to the owner. When such order is made, the petitioner, upon filing with the clerk a bond in such amount as shall be accepted by the owner, or as shall, upon reasonable notice, be approved by the judge of the court, conditioned to prosecute the petition with diligence and to pay the owner the amount adjudged by the court in such proceeding and

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to abide the order of such court in the matter, may immediately proceed to make and operate such crossing or connection.

222.28 EXTENSION OR BRANCH.

Any railroad corporation may extend its road from any point named in its charter or certificate of incorporation, or may build branch railroads from any point on its own line, or on the line of any other railroad connecting or to be connected with its road, whenever it shall have secured the use of such other road between such points and the connection with its own road by lease or agreement for a term not less than ten years from its date. Before making such extension or building such branch road, such corporation shall designate the route thereof by resolution of its board of directors or as provided in section 222.32. Such resolution shall be entered in its records, and a duly certified copy thereof and a plat or map signed and verified by its president and secretary filed for record with the secretary of state; whereupon such corporation shall have and exercise all the rights, powers, franchises, and privileges over such extension or branch that it has over its main line. Nothing herein shall apply to street railways.

222.31 ALTERATION OF ROUTE.

The board of directors of any railroad corporation, by a vote of two-thirds of their whole number, may alter the route of their road, or any part of the road, or any extension or branch thereof as constructed, when they are of opinion that the line can be improved thereby; but no railroad, whether in the hands of the original incorporators or of any other person or corporation, shall be diverted from any county, town or city which in its corporate capacity shall have extended aid to such road, without the consent of such municipality. Such consent shall be evidenced by a vote of two-thirds of the legal voters of such municipality, at an election held for that purpose. No such alteration shall be made in any city after the road shall have been constructed therein, unless the same shall have been sanctioned by a vote of two-thirds of the governing body of such municipality. Before making any such alteration, unless the route is designated as provided in section 222.32, the board of directors shall designate the route thereof by a resolution entered in its records and filed for record with the secretary of state.

222.32 ALTERATION OR EXTENSION OF ROUTE; BRANCHES.

Any railroad company existing in whole or in part under the laws of this state or authorized to own and operate a railroad in this state may, by an affirmative vote of at least two-thirds of its directors, empower its president and chief engineer to designate the route of any extension or branch of its road, and of any alteration of its line or route, but before making or building any such extension or branch or alteration, or condemning any land therefor, the president and chief engineer of the railroad company shall in writing, by map, courses and distances, or otherwise, designate the route thereof and, after having certified to the correctness thereof, file such writing so certified with the secretary of the railroad company, who shall record the same in a book to be kept for such purposes, and the railroad company shall obtain a copy of that record, duly certified by its president and secretary and attested by its seal, and file such certified copy with the secretary of state, to be recorded, and thereupon such corporation shall have the same right to make any and all such alterations and to build any and all such extensions and branches as it would have if it had been authorized so to do by its charter or articles of incorporation.

222.35 ANNUAL MEETING OF STOCKHOLDERS; VOTING.

Every domestic railroad corporation shall annually call and hold a meeting of its stockholders, for the purpose of electing directors and transacting any other business which may lawfully be done thereat. Such meeting shall be called and held in the manner and at the time, if any, prescribed in its charter or certificate of incorporation or in its bylaws. When no time is fixed in the charter, certificate, bylaws, or by statute, such meeting shall be held on the first Monday of June at a place on the line of its road. Four weeks' published notice of the time and place of meeting shall be given by the secretary in the county of its principal place of business. If for any reason the secretary shall fail to give such notice, the same may be given by any director. The stockholders attending such meeting may organize and by a majority vote of those present elect directors and transact all other business proper to be done at its annual meeting. At any meeting of stockholders they may vote in person or by proxy issued within the preceding year,

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and any person or class of persons having by law a right to vote for directors shall be deemed stockholders for the purposes of this section.

360.013 DEFINITIONS.

Subd. 59. **State airway.** "State airway" means a route in the navigable air space over and above the lands or water of this state, designated by the commissioner as a route suitable for air navigation.

360.015 COMMISSIONER; POWERS AND DUTIES.

Subd. 11a. **Aeronautical accident; blood test of victim; coroner to report death.** Every coroner or other official performing like functions shall report in writing to the Department of Transportation the death of any person within that official's jurisdiction as a result of an accident involving an aircraft. Such report shall be made within five days after such death. In case an aircraft's pilot in command or the copilot are killed in an aeronautical accident, and if such death occurs within four hours after said accident, then and in such cases the coroner or other official performing like function shall examine the body and shall make such tests as are necessary to determine the presence and percentage concentration of alcohol, drugs, and carbon monoxide, if feasible, in the blood of the victim. This information shall be included in a report submitted to the Department of Transportation and shall be tabulated on an annual basis by the department. This information transmitted to the department may be used only for statistical purposes by the department which do not reveal the identity of the deceased.

The provisions hereof shall not be construed to limit the authority otherwise conferred by law on the coroner.

Subd. 17. **Report to governor.** On or before October 1 in every even-numbered year, the commissioner shall make to the governor a full report of the proceedings of the department for the preceding two fiscal years, together with the commissioner's recommendations pertaining to the affairs of the department.

Subd. 19. **Keep books and records.** (a) The commissioner shall keep accurate and complete books of accounts to show in detail itemized receipts and disbursements of the airports fund. The books shall show the following facts, among others:

(1) the expenses of maintaining the department, including the salaries and expenses of the individual members thereof;

(2) the amounts of money expended in each county of the state for the construction or maintenance of airports or restricted landing areas, when, where, and upon what airport or restricted landing area expended, so that the cost for each such airport or restricted landing area can be easily ascertained;

(3) the amount of equipment and materials purchased and when, where, and from whom purchased.

(b) These books shall show the price paid for each item. The original invoice shall form a part of the permanent files and records in the department and shall be open to public inspection.

360.55 EXEMPTIONS.

Subd. 7. **Nonresident aircraft used in air show or exposition.** A nonresident owner of an aircraft operated for compensation or hire and used solely for an air show or exposition shall secure a temporary permit to operate the aircraft from the commissioner or the commissioner's designee prior to its use in this state. The fee for the temporary permit is \$25 and the permit is valid for not more than three days. The permit fee is in lieu of all other taxes provided for in sections 360.511 to 360.67. An aircraft owned by a nonresident of this state and operated or used in this state solely for display or exhibition is exempt from the provisions of sections 360.511 to 360.67.