

A bill for an act

1.1 relating to transportation; modifying or adding provisions relating to
1.2 transportation tax compliance and appropriations, easements, transportation
1.3 construction impacts on business, rest areas, highways, bridges, pavement,
1.4 special license plates, deputy registrars, vehicles, impounds, towing, quick
1.5 clearance of highway obstructions, intersection gridlock, bus operation,
1.6 various traffic regulations, cargo tank vehicle weight exemptions, driver
1.7 records, transportation department goals and mission, a Minnesota Council of
1.8 Transportation Access, a Commuter Rail Corridor Coordinating Committee,
1.9 railroad track safety, motor carriers, allocation of certain traffic fine proceeds,
1.10 airport authorities, property acquisition for highways, transit, town road
1.11 interest extinguishment nullification, roundabouts design, and a pilot program
1.12 to obtain federal assistance for transportation projects; delaying effective
1.13 date of amendment to definition of passenger automobile; requiring reports;
1.14 making technical and clarifying changes; appropriating money; amending
1.15 Minnesota Statutes 2008, sections 117.225; 161.14, by adding subdivisions;
1.16 161.32, by adding a subdivision; 165.14, subdivisions 4, 5; 168.002, by adding
1.17 a subdivision; 168.12, subdivision 2b; 168.123, by adding a subdivision;
1.18 168.1293; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision
1.19 3; 169.04; 169.041, subdivision 5, by adding a subdivision; 169.15; 169.306;
1.20 169.345, subdivision 1; 169.87, by adding a subdivision; 171.12, subdivision 6;
1.21 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.185; 174.22, by adding a
1.22 subdivision; 174.23, subdivisions 1, 2; 174.24, subdivisions 2, 3b, by adding a
1.23 subdivision; 174.247; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by
1.24 adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411,
1.25 subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement,
1.26 sections 160.165; 161.14, subdivision 62; 169.865, subdivision 1; 174.24,
1.27 subdivisions 1a, 5; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1,
1.28 section 122; Laws 2008, chapter 350, article 1, section 5; Laws 2009, chapter
1.29 36, article 1, sections 1; 5, subdivisions 1, 3, 4; proposing coding for new law
1.30 in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes
1.31 2008, section 169.041, subdivisions 3, 4.

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

ARTICLE 1

TRANSPORTATION TAX COMPLIANCE

Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. **SUMMARY OF APPROPRIATIONS.**

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

	2010	2011	Total
		95,885,000	194,270,000
General	\$ 98,385,000	<u>95,897,000</u>	<u>194,282,000</u>
Airports	21,909,000	19,659,000	41,568,000
C.S.A.H.	496,786,000	524,478,000	1,021,264,000
M.S.A.S.	134,003,000	141,400,000	275,403,000
		49,038,000	98,076,000
Special Revenue	49,038,000	<u>49,088,000</u>	<u>98,126,000</u>
		9,838,000	19,376,000
H.U.T.D.	9,538,000	<u>9,945,000</u>	<u>19,483,000</u>
		1,372,687,000	2,637,608,000
Trunk Highway	1,264,921,000	<u>1,372,496,000</u>	<u>2,637,417,000</u>
<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>	<u>72,000</u>
		2,212,985,000	4,287,565,000
Total	\$ 2,074,580,000	<u>2,213,035,000</u>	<u>4,287,615,000</u>

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

Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

		152,578,000
Subdivision 1. Total Appropriation	\$ 152,478,000	<u>152,628,000</u>

Appropriations by Fund

	2010	2011
		7,959,000
General	7,959,000	<u>7,971,000</u>
		49,038,000
Special Revenue	49,038,000	<u>49,088,000</u>
		9,713,000
H.U.T.D.	9,413,000	<u>9,820,000</u>
		85,868,000
Trunk Highway	86,068,000	<u>85,677,000</u>
<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>

3.1 The amounts that may be spent for each
 3.2 purpose are specified in the following
 3.3 subdivisions.

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

3.5 Sec. 3. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

3.6 Subd. 3. **State Patrol**

3.7			71,522,000
3.8	(a) Patrolling Highways	71,522,000	<u>71,331,000</u>

3.9	Appropriations by Fund		
3.10	General	37,000	37,000
3.11	H.U.T.D.	92,000	92,000
3.12			71,393,000
3.13	Trunk Highway	71,393,000	<u>71,202,000</u>

3.14 The base appropriation from the trunk
 3.15 highway fund in fiscal years 2012 and 2013
 3.16 is \$71,393,000 for each fiscal year.

3.17	(b) Commercial Vehicle Enforcement	7,996,000	7,796,000
------	---	-----------	-----------

3.18 This appropriation is from the trunk highway
 3.19 fund.

3.20 \$800,000 the first year and \$600,000 the
 3.21 second year are for the Office of Pupil
 3.22 Transportation Safety.

3.23	(c) Capitol Security	3,113,000	3,113,000
------	-----------------------------	-----------	-----------

3.24 This appropriation is from the general fund.

3.25 The commissioner may not: (1) spend
 3.26 any money from the trunk highway fund
 3.27 for capitol security; or (2) permanently
 3.28 transfer any state trooper from the patrolling
 3.29 highways activity to capitol security.

3.30 The commissioner may not transfer any
 3.31 money: (1) appropriated for Department of
 3.32 Public Safety administration, the patrolling of
 3.33 highways, commercial vehicle enforcement,

4.1 or driver and vehicle services to capitol
4.2 security; or (2) from capitol security.

4.3 (d) Vehicle Crimes Unit -0- 191,000

4.4	<u>Appropriations by Fund</u>		
4.5	<u>General</u>	<u>-0-</u>	<u>12,000</u>
4.6	<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>
4.7	<u>H.U.T.D.</u>	<u>-0-</u>	<u>107,000</u>

4.8 This appropriation is to investigate
4.9 registration tax and motor vehicle sales tax
4.10 liabilities from individuals and businesses
4.11 that currently do not pay all taxes owed
4.12 and illegal or improper activity related to
4.13 sale, transfer, titling, and registration of
4.14 motor vehicles. The commissioner shall
4.15 staff the Vehicle Crimes Unit in a manner
4.16 that minimizes overall personnel costs, and
4.17 assigns all duties and functions as reasonable
4.18 and appropriate to employees who are not
4.19 peace officers, as provided in Minnesota
4.20 Statutes, section 299D.06. This initiative is
4.21 expected to result in new revenues for the
4.22 biennium as follows:

4.23 (1) \$114,000 for the highway user tax
4.24 distribution fund;
4.25 (2) \$75,000 for the transit assistance fund;
4.26 and
4.27 (3) \$13,000 for the general fund.

4.28 The general fund appropriation for fiscal year
4.29 2011 is a onetime appropriation.

4.30 Notwithstanding the appropriation under
4.31 Minnesota Statutes, section 16A.88,
4.32 subdivision 2, \$65,000 of the amount
4.33 appropriated in fiscal year 2011 is from the
4.34 metropolitan area transit account in the transit
4.35 assistance fund. The base appropriation from

5.1 the metropolitan area transit account in fiscal
5.2 years 2012 and 2013 is \$250,000 for each
5.3 fiscal year.

5.4 Notwithstanding the appropriation under
5.5 Minnesota Statutes, section 16A.88,
5.6 subdivision 1a, \$7,000 of the amount
5.7 appropriated in fiscal year 2011 is from
5.8 the greater Minnesota transit account
5.9 in the transit assistance fund. The base
5.10 appropriation from the greater Minnesota
5.11 transit account in fiscal years 2012 and 2013
5.12 is \$27,000 for each fiscal year.

5.13 The base appropriation from the highway
5.14 user tax distribution fund in fiscal years 2012
5.15 and 2013 is \$416,000 for each fiscal year.

5.16 By February 1, 2015, the commissioner shall
5.17 submit a report to the house of representatives
5.18 and senate committees having jurisdiction
5.19 over transportation finance on the revenues
5.20 generated by the Vehicle Crimes Unit.

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

5.22 Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

5.23 Subd. 4. **Driver and Vehicle Services**

5.24			27,209,000
5.25	(a) Vehicle Services	26,909,000	<u>27,259,000</u>

5.26 Appropriations by Fund

5.27			18,973,000
5.28	Special Revenue	18,973,000	<u>19,023,000</u>
5.29	H.U.T.D.	7,936,000	8,236,000

5.30 The special revenue fund appropriation is
5.31 from the vehicle services operating account.

5.32 Of the appropriation for fiscal year 2011
5.33 from the special revenue fund, \$50,000 is
5.34 for assistance to the Vehicle Crimes Unit in

6.1	<u>investigations as provided under subdivision</u>		
6.2	<u>3, paragraph (d).</u>		
6.3	(b) Driver Services	28,712,000	28,712,000
6.4	Appropriations by Fund		
6.5	Special Revenue	28,711,000	28,711,000
6.6	Trunk Highway	1,000	1,000

6.7 The special revenue fund appropriation is
6.8 from the driver services operating account.

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

6.10 **ARTICLE 2**

6.11 **TRANSPORTATION POLICY**

6.12 Section 1. Minnesota Statutes 2008, section 117.225, is amended to read:

6.13 **117.225 EASEMENT DISCHARGE.**

6.14 Whenever claiming that an easement or portion of an easement acquired by
6.15 condemnation is not being used for the purposes for which it was acquired, the underlying
6.16 fee owner may apply to the district court of the county in which the land is situated for an
6.17 order discharging the easement or portion of the easement, upon such terms as are just and
6.18 equitable. Due notice of said application shall be given to all interested parties. Provided,
6.19 however, this section shall not apply to easements or portions of easements acquired by
6.20 condemnation by a public service corporation now or hereafter doing business in the
6.21 state of Minnesota.

6.22 Sec. 2. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

6.23 **160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS**
6.24 **ON BUSINESS.**

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

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

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

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

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

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

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

7.20 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2012. Subdivision 3 is
7.21 effective July 1, 2010.

7.22 Sec. 3. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

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

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

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

7.28 (3) drain or dump refuse or waste from any trailer, recreational vehicle, or other
7.29 vehicle except where receptacles are provided and designated to receive the refuse or
7.30 waste.

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

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

8.1 Sec. 4. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is
8.2 amended to read:

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

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

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

8.13 Subd. 64. **Veterans Memorial Highway.** Legislative Route No. 31, signed as
8.14 Trunk Highway 200 as of the effective date of this section, from the border with North
8.15 Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The
8.16 commissioner shall adopt a suitable design to mark this highway and erect appropriate
8.17 signs, subject to section 161.139.

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

8.20 Subd. 65. **Becker County Veterans Memorial Highway.** Marked Trunk Highway
8.21 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with
8.22 County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection
8.23 with County State-Aid Highway 33 to its intersection with County State-Aid Highway
8.24 39, is named and designated the "Becker County Veterans Memorial Highway." Subject
8.25 to section 161.139, the commissioner shall adopt a suitable marking design to mark this
8.26 highway and erect appropriate signs.

8.27 Sec. 7. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision
8.28 to read:

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

9.1 Sec. 8. Minnesota Statutes 2008, section 161.32, is amended by adding a subdivision
9.2 to read:

9.3 Subd. 8. **Alternative bidding; paving materials.** (a) For purposes of this
9.4 subdivision, the terms defined in section 174.185, subdivision 1, have the meanings given
9.5 them.

9.6 (b) For all contracts for an applicable project entered into on or after January 31,
9.7 2011, the commissioner shall use the standard for life-cycle cost analysis developed under
9.8 section 174.185, subdivision 1a, as the basis for alternative bidding in which bidders may
9.9 select alternative project designs that use alternative paving materials.

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

9.11 Sec. 9. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

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

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

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

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

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

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

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

9.33 Bicycle and pedestrian accommodations would not be required if:

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

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

10.5 All bicycle and pedestrian accommodations should enable a connection to any existing
10.6 bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian
10.7 facilities must meet or exceed federal accessibility requirements as outlined in Title II of
10.8 the Americans with Disabilities Act, codified in United States Code, title 42, chapter
10.9 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United
10.10 States Code, title 29, section 794.

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

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

10.14 Sec. 10. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

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

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

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

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

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

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

10.31 (6) a calculation of funding necessary to meet the completion date under subdivision
10.32 4, paragraph (c), compared to the total amount of bridge-related funding available; and

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

11.1 Sec. 11. Minnesota Statutes 2008, section 168.002, is amended by adding a subdivision
11.2 to read:

11.3 Subd. 31a. **Special plates.** Unless otherwise specified, "special plates" or "special
11.4 plate" means plates, or a single motorcycle plate, that are designed with wording or
11.5 graphics that differ from a regular Minnesota passenger automobile plate or motorcycle
11.6 plate.

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

11.8 Sec. 12. Minnesota Statutes 2008, section 168.12, subdivision 2b, is amended to read:

11.9 Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue
11.10 special plates, or a single license plate in the case of a motorcycle plate, to any applicant
11.11 who:

11.12 (1) is a member of, or has retired after at least 15 years of service as a member
11.13 of, a fire department receiving state aid under chapter 69, and has a letter from the fire
11.14 chief, ~~and;~~

11.15 (2) is an owner of a passenger automobile, a truck with a manufacturer's nominal
11.16 rated capacity of one ton and resembling a pickup truck, or a motorcycle;

11.17 ~~(2)~~ (3) pays a fee of \$10 and any other fees required by this chapter;

11.18 ~~(3)~~ (4) pays the registration tax required by this chapter for the motor vehicle; and

11.19 ~~(4)~~ (5) complies with this chapter and rules governing the registration of motor
11.20 vehicles and licensing of drivers.

11.21 (b) In lieu of the identification required under subdivision 1, the special plates must
11.22 bear an emblem of a Maltese Cross together with any numbers or characters prescribed by
11.23 the commissioner.

11.24 (c) Special plates issued under this subdivision may only be used during the period
11.25 that the owner of the motor vehicle is a member of a fire department as specified in this
11.26 subdivision. When the individual to whom the special plates were issued is no longer a
11.27 member of a fire department or when the motor vehicle ownership is transferred, the
11.28 owner shall remove the special plates from the motor vehicle. If the commissioner
11.29 receives written notification that an individual is no longer qualified for these special
11.30 plates, the commissioner shall invalidate the plates and notify the individual of this
11.31 action. The individual may retain the plate only upon demonstrating compliance with the
11.32 qualifications of this subdivision. Upon removal or invalidation of the special plates, or
11.33 special motorcycle plate, either the owner or purchaser of the motor vehicle shall obtain
11.34 regular plates or a regular motorcycle plate for the proper registration classification for
11.35 the motor vehicle.

12.1 (d) A special motorcycle license plate issued under this subdivision must be the
12.2 same size as a standard motorcycle license plate.

12.3 (e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger
12.4 automobile or truck may be transferred to another passenger automobile or truck owned
12.5 or jointly owned by the person to whom the plates were issued. On payment of a fee of
12.6 \$5, a plate issued under this subdivision for a motorcycle may be transferred to another
12.7 motorcycle owned or jointly owned by the person to whom the plate was issued.

12.8 (f) The commissioner may adopt rules under the Administrative Procedure Act,
12.9 sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized
12.10 in this subdivision.

12.11 Sec. 13. Minnesota Statutes 2008, section 168.123, is amended by adding a subdivision
12.12 to read:

12.13 Subd. 2b. **Eligibility; combat wounded plate.** A member of the United States
12.14 armed forces who is serving actively in the military and who is a recipient of the purple
12.15 heart medal is also eligible for the license plate under subdivision 2, paragraph (e). The
12.16 commissioner of public safety shall ensure that information regarding the required proof
12.17 of eligibility for any applicant under this subdivision who has not yet been issued military
12.18 discharge papers is distributed to the public officials responsible for administering this
12.19 section.

12.20 **EFFECTIVE DATE.** This section is effective August 1, 2010.

12.21 Sec. 14. Minnesota Statutes 2008, section 168.1293, is amended to read:

12.22 **168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION,**
12.23 **DISCONTINUANCE.**

12.24 Subdivision 1. **Definition.** For purposes of this section ~~and section 168.1297, the~~
12.25 following terms have the meanings given them:

12.26 (1) "new special plate" or "proposed special plate" means a special plate authorized
12.27 by sections 168.12, subdivisions 2b and 2c; 168.1235; and 168.129, to have wording and
12.28 graphics that differ from a Minnesota passenger vehicle plate; that is not authorized under
12.29 this chapter and for which legislation authorizing the plate, including but not limited to a
12.30 bill or amendment, is introduced or presented to the legislature; and

12.31 (2) "proximate special plate" means a special plate (i) authorized under section
12.32 168.12, subdivisions 2b and 2c; 168.1235; or 168.129; or (ii) authorized in law on or
12.33 after August 1, 2010.

13.1 Subd. 1a. **Establishment of plate.** The commissioner may only establish a special
13.2 plate as authorized under this chapter. This requirement does not apply to alternative
13.3 or additional designs for a special plate.

13.4 Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other
13.5 requester, however organized, that plans to seek legislation establishing a new special
13.6 plate, or is a proponent of a new special plate, shall submit the following information and
13.7 fee to the commissioner:

13.8 (1) The requester shall submit a request for the special plate being sought, describing
13.9 the ~~proposed~~ special plate in general terms, the purpose of the plate, and the proposed fee
13.10 or minimum contribution required for the plate.

13.11 (2) The requester shall submit the results of a scientific sample survey of Minnesota
13.12 motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend
13.13 to purchase the proposed plate with the proposed fee or minimum contribution. The
13.14 requester's plan to undertake the survey must be reported to the commissioner before the
13.15 survey is undertaken. The survey must be performed independently of the requester by
13.16 another person or legal entity, however organized, that conducts similar sample surveys
13.17 in the normal course of business.

13.18 (3) The requester shall submit an application fee of \$20,000, to cover the cost of
13.19 reviewing the application for a new plate and developing the new special plate if authorized
13.20 by law. State funds may not be used to pay the application fee. This requirement does not
13.21 apply if legislation or a bill introduced to the legislature proposing the new special plate
13.22 contains a mechanism by which all costs incurred by the commissioner for development
13.23 and implementation of the plate are covered, provided that the application fee subsequently
13.24 does apply if such a mechanism is not enacted in the law authorizing the new special plate.

13.25 (4) The requester shall submit a marketing strategy that contains (i) short-term and
13.26 long-term marketing plans for the requested plate, and (ii) a financial analysis showing
13.27 the anticipated revenues and the planned expenditures of any fee or contribution derived
13.28 from the requested plate.

13.29 (b) The requester shall submit the information required under paragraph (a) to the
13.30 commissioner at least 120 days before the convening of the next regular legislative session
13.31 at which the requester will submit the proposal.

13.32 Subd. 2a. **Information for legislature.** (a) Within 15 days of the introduction of a
13.33 bill proposing a new special plate, the commissioner shall submit a briefing to the chairs
13.34 and ranking minority members of the house of representatives and senate committees to
13.35 which the bill was referred. At a minimum, the briefing must:

13.36 (1) summarize the requirements for a special plate under this section; and

14.1 (2) identify which of the requirements have been met for the proposed special plate.

14.2 (b) If a proposed special plate is a topic of discussion at a legislative committee
14.3 hearing, the commissioner shall make every reasonable effort to provide testimony. The
14.4 testimony must include the information required in the briefing under paragraph (a).

14.5 (c) Notwithstanding section 3.195, the commissioner may submit the briefing under
14.6 paragraph (a) by submitting an electronic version rather than a printed version.

14.7 Subd. 3. **Design; redesign.** (a) If the proposed ~~new~~ special plate sought by the
14.8 requester is approved by law, the requester shall submit the proposed design for the plate
14.9 to the commissioner as soon as practicable, but not later than 120 days after the effective
14.10 date of the law authorizing issuance of the plate. The commissioner is responsible for
14.11 selecting the final design for the special plate.

14.12 (b) The requester that originally requested a new special plate subsequently approved
14.13 by law may not submit a new design for the plate within the five years following the date
14.14 of first issuance of the plate unless the inventory of those plates has been exhausted.
14.15 The requester may deplete the remaining inventory of the plates by reimbursing the
14.16 commissioner for the cost of the plates.

14.17 Subd. 4. **Refund of fee.** If the special plate requested is not authorized in the
14.18 legislative session at which authorization was sought, the commissioner shall, if
14.19 applicable, refund \$17,500 of the application fee to the requester.

14.20 Subd. 5. **Discontinuance of plate.** (a) The commissioner shall discontinue the
14.21 issuance or renewal of any proximate special plate ~~authorized by sections 168.12,~~
14.22 ~~subdivisions 2b and 2c; 168.1235; and 168.129,~~ if (1) fewer than 1,000 sets of those
14.23 plates are currently registered at the end of the first six years during which the plates are
14.24 available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of
14.25 any subsequent two-year period following the first six years of availability.

14.26 (b) The commissioner shall discontinue the issuance or renewal of any proximate
14.27 special plate ~~authorized by sections 168.12, subdivisions 2b and 2c; 168.1235;~~
14.28 ~~and 168.129,~~ and distribution of any contributions resulting from that plate, if the
14.29 commissioner determines that (1) the fund or requester receiving the contributions no
14.30 longer exists, (2) the requester has stopped providing services that are authorized to be
14.31 funded from the contribution proceeds, (3) the requester has requested discontinuance, or
14.32 (4) contributions have been used in violation of subdivision 6.

14.33 (c) Nothing in this subdivision applies to plates issued under section 168.123,
14.34 168.124, 168.125, 168.1251, or 168.1255.

14.35 (d) Upon commencing discontinuance of a proximate special plate under this
14.36 subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and

15.1 (2) shall allow retention of any existing plate for the regular period. For purposes of this
15.2 paragraph, "regular period" may be, as appropriate, the period specified under section
15.3 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as
15.4 otherwise provided by law.

15.5 Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a
15.6 proximate special plate authorized by sections 168.12, subdivisions 2b and 2c; 168.1235;
15.7 and 168.129, and interest earned on the contributions, may not be spent for commercial or
15.8 for-profit purposes.

15.9 Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the
15.10 application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services
15.11 operating account of the special revenue fund under section 299A.705. An amount
15.12 sufficient to pay the department's cost in implementing and administering this section,
15.13 including payment of refunds under subdivision 4, is appropriated to the commissioner.

15.14 Sec. 15. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

15.15 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause
15.16 discontinue, a deputy registrar for any statutory or home rule charter city as the public
15.17 interest and convenience may require, without regard to whether the county auditor of
15.18 the county in which the city is situated has been appointed as the deputy registrar for the
15.19 county or has been discontinued as the deputy registrar for the county, and without regard
15.20 to whether the county in which the city is situated has established a county license bureau
15.21 that issues motor vehicle licenses as provided in section 373.32.

15.22 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar
15.23 for any statutory or home rule charter city as the public interest and convenience may
15.24 require, if the auditor for the county in which the city is situated chooses not to accept
15.25 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,
15.26 or if the county in which the city is situated has not established a county license bureau
15.27 that issues motor vehicle licenses as provided in section 373.32. The individual appointed
15.28 by the commissioner as a deputy registrar for any statutory or home rule charter city must
15.29 be a resident of the county in which the city is situated.

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

15.32 (d) Despite any other provision, a person other than a county auditor or a director
15.33 of a county license bureau, who was appointed by the registrar before August 1, 1976,
15.34 as a deputy registrar for any statutory or home rule charter city, may continue to serve
15.35 as deputy registrar and may be discontinued for cause only by the commissioner. The

16.1 county auditor who appointed the deputy registrars is responsible for the acts of deputy
16.2 registrars appointed by the auditor.

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

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

16.9 (g) ~~Until January 1, 2012, A corporation governed by chapter 302A or 317A~~
16.10 ~~may be appointed a deputy registrar. Upon application by an individual serving as a~~
16.11 ~~deputy registrar and the giving of the requisite bond as provided in this subdivision,~~
16.12 ~~personally assured by the individual or another individual approved by the commissioner,~~
16.13 ~~a corporation named in an application then becomes the duly appointed and qualified~~
16.14 ~~successor to the deputy registrar. The appointment of any corporation as a deputy registrar~~
16.15 ~~expires January 1, 2012. The commissioner shall appoint an individual as successor to~~
16.16 ~~the corporation as a deputy registrar. The commissioner shall appoint as the successor~~
16.17 ~~agent to a corporation whose appointment expires under this paragraph an officer of the~~
16.18 ~~corporation if the officer applies for appointment before July 1, 2012.~~

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

16.22 (i) The deputy registrar shall keep records and make reports to the commissioner as
16.23 the commissioner requires. The records must be maintained at the offices of the deputy
16.24 registrar. The records and offices of the deputy registrar must at all times be open to the
16.25 inspection of the commissioner or the commissioner's agents. The deputy registrar shall
16.26 report to the commissioner by the next working day following receipt all registrations
16.27 made and taxes and fees collected by the deputy registrar.

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

17.1 Sec. 16. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

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

17.6 (b) The notice must:

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

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

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

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

17.14 (i) exercise their right to reclaim the vehicle within the appropriate time allowed
17.15 under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in
17.16 section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest
17.17 in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle
17.18 pursuant to section 168B.08; or

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

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

17.28 Sec. 17. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

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

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

17.33 (2) "relief based on need" includes, but is not limited to, receipt of MFIP
17.34 and Diversionary Work Program, medical assistance, general assistance, general
17.35 assistance medical care, emergency general assistance, Minnesota supplemental aid,

18.1 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy
18.2 assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota
18.3 working family tax credit.

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

18.7 (c) At any time before the expiration of the waiting periods provided in section
18.8 168B.051, a registered owner who provides documentation from a government or
18.9 nonprofit agency or legal aid office that the registered owner is homeless, receives relief
18.10 based on need, or is eligible for legal aid services, ~~or has a household income at or below~~
18.11 ~~50 percent of state median income~~ has the unencumbered right to retrieve any and all
18.12 contents without charge and regardless of whether the registered owner pays incurred
18.13 charges or fees, transfers title, or reclaims the vehicle.

18.14 Sec. 18. Minnesota Statutes 2008, section 169.04, is amended to read:

18.15 **169.04 LOCAL AUTHORITY.**

18.16 (a) The provisions of this chapter shall not be deemed to prevent local authorities,
18.17 with respect to streets and highways under their jurisdiction, and with the consent of
18.18 the commissioner, with respect to state trunk highways, within the corporate limits of a
18.19 municipality, or within the limits of a town in a county in this state now having or which
18.20 may hereafter have, a population of 500,000 or more, and a land area of not more than 600
18.21 square miles, and within the reasonable exercise of the police power from:

18.22 (1) regulating the standing or parking of vehicles;

18.23 (2) regulating traffic by means of police officers or traffic-control signals;

18.24 (3) regulating or prohibiting processions or assemblages on the highways;

18.25 (4) designating particular highways as one-way roadways and requiring that all
18.26 vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one
18.27 specific direction;

18.28 (5) designating any highway as a through highway and requiring that all vehicles stop
18.29 before entering or crossing the same, or designating any intersection as a stop intersection,
18.30 and requiring all vehicles to stop at one or more entrances to such intersections;

18.31 (6) restricting the use of highways as authorized in sections 169.80 to 169.88.

18.32 (b) No ordinance or regulation enacted under paragraph (a), clause (4), (5), or (6),
18.33 shall be effective until signs giving notice of such local traffic regulations are posted
18.34 upon and kept posted upon or at the entrance to the highway or part thereof affected as
18.35 may be most appropriate.

19.1 (c) No ordinance or regulation enacted under paragraph (a), clause (3), or any other
19.2 provision of law shall prohibit:

19.3 (1) the use of motorcycles or vehicles utilizing flashing red lights for the purpose of
19.4 escorting funeral processions, oversize buildings, heavy equipment, parades or similar
19.5 processions or assemblages on the highways; or

19.6 (2) the use of motorcycles or vehicles that are owned by the funeral home and that
19.7 utilize flashing red lights for the purpose of escorting funeral processions.

19.8 (d) No ordinance or regulation enacted under paragraph (a), clause (1), or enacted
19.9 by any other local authority, may hold an owner of a vehicle liable for parking violations
19.10 committed before the person became the owner of the vehicle. If a vehicle is towed
19.11 or impounded for failure of a former owner to pay parking fines accrued for parking
19.12 violations committed by another before the present owner acquired the vehicle, the
19.13 vehicle must be returned to the present owner, without charge, upon the present owner's
19.14 submission of documentation showing that the person became the owner after the parking
19.15 violations were committed. Local authorities must attempt to recover parking fines
19.16 from the owner of the vehicle at the time the violation occurred. This paragraph does
19.17 not apply to (1) a co-owner or joint owner of a vehicle also presently owned by another
19.18 co-owner or joint owner who was an owner when the violations were committed or (2) to
19.19 a present owner who committed parking violations while operating the subject vehicle
19.20 before acquiring the vehicle.

19.21 Sec. 19. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

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

19.24 (1) the vehicle has expired registration tabs that have been expired for less than
19.25 90 days; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.23 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked
20.24 vehicle;

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

20.27 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section
20.28 168B.011, and subject to immediate removal under chapter 168B.

20.29 Sec. 20. Minnesota Statutes 2008, section 169.041, is amended by adding a subdivision
20.30 to read:

20.31 Subd. 5a. **Quick clearance.** (a) For purposes of this subdivision:

20.32 (1) "road" includes the roadway, a lane for vehicular traffic, shoulder, on-ramp, and
20.33 off-ramp of a street or highway, including a parkway; and

20.34 (2) "obstructions" includes motor vehicles, debris, personal property, and cargo.

21.1 (b) Within the Department of Transportation's eight-county metropolitan district, the
21.2 department may move, remove, or cause to remove obstructions from a road if:

21.3 (1) there has been a traffic incident involving a collision, accident, or spilled load;

21.4 (2) the obstructions block a road or aggravate an emergency on a road; and

21.5 (3) the department cooperates with the State Patrol and private towing or recovery
21.6 companies authorized by the state concerning towing of the vehicle and removal of
21.7 other obstructions.

21.8 (c) The State Patrol shall make a reasonable effort to contact a motor carrier who
21.9 owns the motor vehicle or other obstructions before undertaking an action under this
21.10 subdivision.

21.11 (d) The department shall make a reasonable effort to allow the owner of the motor
21.12 vehicle to arrange for its removal and shall give due consideration to having the vehicle
21.13 towed by a licensed towing service capable of safely moving the vehicle.

21.14 (e) Towing charges accrued by the owner or owners of the vehicle must be
21.15 reasonable and consistent with customary market prices for the type of vehicle removed
21.16 and the circumstances giving rise to its removal.

21.17 Sec. 21. Minnesota Statutes 2008, section 169.15, is amended to read:

21.18 **169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

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

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

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

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

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

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

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

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

22.5 Sec. 22. Minnesota Statutes 2008, section 169.306, is amended to read:

22.6 **169.306 USE OF SHOULDERS BY BUSES.**

22.7 (a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit
22.8 buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a
22.9 freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan~~
22.10 ~~area~~ in Minnesota.

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

22.20 (c) Buses authorized to use the shoulder under this section may be operated on the
22.21 shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of
22.22 buses being operated on the shoulder may not exceed the speed of main-line traffic by
22.23 more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses
22.24 being operated on the shoulder must yield to merging, entering, and exiting traffic and
22.25 must yield to other vehicles on the shoulder. Buses operated on the shoulder must be
22.26 registered with the Department of Transportation.

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

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

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

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

23.1 Sec. 23. Minnesota Statutes 2008, section 169.345, subdivision 1, is amended to read:

23.2 Subdivision 1. **Scope of privilege.** (a) A motor vehicle that prominently displays
23.3 the certificate authorized by this section or that bears disability plates issued under section
23.4 168.021 may be parked by or solely for the benefit of a physically disabled person:

23.5 (1) in a designated parking space for disabled persons, as provided in section
23.6 169.346;

23.7 (2) in a metered parking space without obligation to pay the meter fee and without
23.8 time restrictions unless time restrictions are separately posted on official signs; and

23.9 (3) without time restrictions in a nonmetered space where parking is otherwise
23.10 allowed for passenger vehicles but restricted to a maximum period of time and that does
23.11 not specifically prohibit the exercise of disabled parking privileges in that space.

23.12 A person may park a motor vehicle for a physically disabled person in a parking space
23.13 described in clause (1) or (2) only when actually transporting the physically disabled
23.14 person for the sole benefit of that person and when the parking space is within a reasonable
23.15 distance from the drop-off point.

23.16 (b) For purposes of this subdivision, a certificate is prominently displayed if:

23.17 (1) it is displayed:

23.18 (i) so that it may be viewed from the front and rear of the motor vehicle by hanging
23.19 it from the rearview mirror attached to the front windshield of the motor vehicle; ~~so that it~~
23.20 may be viewed from the front and rear of the motor vehicle;

23.21 (ii) by securing it in a holder or display device located on the dashboard at the
23.22 center or driver's side of the vehicle, so that it may be viewed from the front of the motor
23.23 vehicle; or

23.24 (iii) if there is no rearview mirror or if the certificate holder's disability precludes
23.25 placing the certificate on the mirror, the certificate must be displayed by placing it on the
23.26 dashboard on the driver's side of the vehicle; ~~and~~

23.27 (2) no part of the symbols, lettering, or other information shown on the certificate
23.28 may be ~~are~~ obscured.

23.29 (c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not
23.30 permit parking in areas prohibited by sections 169.32 and 169.34, in designated no
23.31 parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local
23.32 governmental unit may, by ordinance, prohibit parking on any street or highway to create
23.33 a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and
23.34 these ordinances also apply to physically disabled persons.

24.1 Sec. 24. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is
24.2 amended to read:

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

24.7 (1) 90,000 pounds; and

24.8 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
24.9 subdivision 1.

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

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

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

24.16 Sec. 25. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision
24.17 to read:

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

24.22 (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle
24.23 used for propane must have an operating gauge on the cargo tank that shows the amount of
24.24 propane as a percent of capacity of the cargo tank. Documentation of the capacity of the
24.25 cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of
24.26 this subdivision, propane weighs 4.2 pounds per gallon.

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

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

25.1 Sec. 26. Minnesota Statutes 2008, section 171.12, subdivision 6, is amended to read:

25.2 Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph
25.3 (b), the department shall not keep on the record of a driver any conviction for a violation
25.4 of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater
25.5 than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit, ~~or more than five~~
25.6 ~~miles per hour in excess of a 60 miles per hour speed limit.~~

25.7 (b) This subdivision does not apply to (1) a violation that occurs in a commercial
25.8 motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial
25.9 driver's license, without regard to whether the violation was committed in a commercial
25.10 motor vehicle or another vehicle.

25.11 Sec. 27. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

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

25.18 Sec. 28. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

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

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

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

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

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

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

26.1 (6) to provide transit services ~~throughout~~ to all counties in the state to meet the
26.2 needs of transit users;

26.3 (7) to promote ~~productivity~~ accountability through system ~~system~~ systematic management
26.4 of system performance and productivity through the utilization of technological
26.5 advancements;

26.6 (8) to maximize the long-term benefits received for each state transportation
26.7 investment;

26.8 (9) to provide for and prioritize funding for of transportation investments that, at a
26.9 minimum, preserves the transportation infrastructure ensures that the state's transportation
26.10 infrastructure is maintained in a state of good repair;

26.11 (10) to ensure that the planning and implementation of all modes of transportation
26.12 are consistent with the environmental and energy goals of the state;

26.13 (11) to promote and increase the use of high-occupancy vehicles and low-emission
26.14 vehicles;

26.15 (12) to provide an air transportation system sufficient to encourage economic growth
26.16 and allow all regions of the state the ability to participate in the global economy;

26.17 (13) to increase ~~transit use~~ of transit as a percentage of all trips statewide by giving
26.18 highest priority to the transportation modes with the greatest people-moving capacity and
26.19 lowest long-term economic and environmental cost;

26.20 (14) to promote and increase bicycling and walking as a percentage of all trips as an
26.21 energy-efficient, nonpolluting, and healthful form ~~healthful form~~ healthy forms of transportation;

26.22 (15) to reduce greenhouse gas emissions from the state's transportation sector; and

26.23 (16) to accomplish these goals with minimal impact on the environment.

26.24 Sec. 29. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

27.6 (7) report to the legislature on the performance of agency operations and the
27.7 accomplishment of agency goals in the agency's biennial budget according to section
27.8 16A.10, subdivision 1; and

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

27.11 Sec. 30. Minnesota Statutes 2008, section 174.185, is amended to read:

27.12 **174.185 PAVEMENT LIFE-CYCLE COST ANALYSIS.**

27.13 Subdivision 1. **Definitions.** For the purposes of this section, the following
27.14 definitions apply.

27.15 (a) "Applicable project" means a trunk highway project in the statewide
27.16 transportation improvement program categorized for construction, reconstruction,
27.17 resurfacing, reconditioning, or road repair. Applicable project does not include (1) on
27.18 a two-lane road, a main-line project in which there is less than two miles of length of
27.19 roadway within the construction limits; and (2) on a multilane road, a main-line project in
27.20 which there is less than 30,000 square yards of paving within the construction limits.

27.21 (b) "Life-cycle cost" is the sum of the cost of the initial pavement project and
27.22 all anticipated costs for maintenance, repair, and resurfacing over the life of the
27.23 pavement. Anticipated costs must be based on Minnesota's actual or reasonably projected
27.24 maintenance, repair, and resurfacing schedules, and costs determined by the Department
27.25 of Transportation district personnel based upon recently awarded local projects and
27.26 experience with local material costs.

27.27 ~~(b)~~ (c) "Life-cycle cost analysis" is a comparison of life-cycle costs among
27.28 competing paving materials using equal design lives and equal comparison periods.

27.29 Subd. 1a. **Uniform standard.** By January 15, 2011, the commissioner shall develop
27.30 a statewide uniform standard for life-cycle cost analysis based on the net present value
27.31 method of comparative analysis of alternate paving materials from the Federal Highway
27.32 Administration, United States Department of Transportation.

27.33 Subd. 2. **Required analysis.** For each applicable project in the reconditioning,
27.34 resurfacing, and road repair funding categories, the commissioner shall perform a
27.35 life-cycle cost analysis and shall document the lowest life-cycle costs and all alternatives

28.1 considered. The commissioner shall document the chosen pavement strategy and, if the
28.2 lowest life cycle is not selected, document the justification for the chosen strategy. A
28.3 life-cycle cost analysis is required for projects to be constructed after ~~July 1~~ January 31,
28.4 2011. For projects to be constructed ~~prior to July~~ before February 1, 2011, when feasible,
28.5 the department will use its best efforts to perform life-cycle cost analyses.

28.6 Subd. 3. **Report.** By January 15, 2012, and annually by January 15 thereafter, the
28.7 commissioner shall report ~~annually~~ to the chairs and ranking minority members of the
28.8 senate and house of representatives committees with jurisdiction over transportation
28.9 finance ~~beginning on January 1, 2012,~~ on:

28.10 (1) the results of the analyses required in subdivision 2; and

28.11 (2) the results of alternative bidding under section 161.32, subdivision 8, including a
28.12 listing of projects awarded using alternative bidding and projects identified as unsuitable
28.13 for alternative bidding.

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

28.15 Sec. 31. Minnesota Statutes 2008, section 174.22, is amended by adding a subdivision
28.16 to read:

28.17 Subd. 14a. **State sources of funds.** "State sources of funds" means funding for the
28.18 public transit participation program appropriated from (1) the general fund, and (2) the
28.19 greater Minnesota transit account.

28.20 Sec. 32. Minnesota Statutes 2008, section 174.23, subdivision 1, is amended to read:

28.21 Subdivision 1. **General.** (a) The commissioner shall have all powers necessary and
28.22 convenient to carry out the provisions of sections 174.21 to 174.27 including the power to:

28.23 (1) review applications for financial assistance, execute contracts, and obligate
28.24 and expend program funds, upon conditions and limitations as the commissioner deems
28.25 necessary for purposes of program and project implementation, operation, and evaluation;₂

28.26 (2) accept and disburse federal funds available for the purposes of sections 174.21 to
28.27 174.27, and such funds are appropriated to the commissioner; and

28.28 (3) act upon request as the designated agent of any eligible person for the receipt and
28.29 disbursement of federal funds.

28.30 (b) The commissioner shall perform the duties and exercise the powers under
28.31 sections 174.21 to 174.27 in coordination with and in furtherance of statewide,
28.32 regional, and local transportation plans and transportation development programs. ~~The~~
28.33 ~~commissioner shall set guidelines for financial assistance under the public transit subsidy~~
28.34 ~~program. The commissioner shall present any proposed guidelines regarding public transit~~

29.1 ~~financial assistance to a legislative committee composed of equal numbers appointed by~~
29.2 ~~the house of representatives local and urban affairs and senate transportation committees.~~
29.3 ~~The commissioner shall not implement any new guidelines regarding public transit~~
29.4 ~~financial assistance, between the period January 1, 1981 to April 15, 1982, without the~~
29.5 ~~prior approval of that committee.~~

29.6 Sec. 33. Minnesota Statutes 2008, section 174.23, subdivision 2, is amended to read:

29.7 Subd. 2. **Financial assistance; application, approval.** (a) The commissioner
29.8 shall seek out and select eligible recipients of financial assistance under sections 174.21
29.9 to 174.27.

29.10 (b) The commissioner shall establish by rule the procedures and standards for review
29.11 and approval of applications for financial assistance submitted to the commissioner
29.12 pursuant to sections 174.21 to 174.27. Any applicant shall provide to the commissioner
29.13 any financial or other information required by the commissioner to carry out the
29.14 commissioner's duties. The commissioner may require local contributions from applicants
29.15 as a condition for receiving financial assistance.

29.16 (c) Before the commissioner approves any grant, the application for the grant ~~shall~~
29.17 ~~may be reviewed and approved~~ by the appropriate regional development commission only
29.18 for consistency with regional transportation plans and development guides. If an applicant
29.19 proposes a project within the jurisdiction of a transit authority or commission or a transit
29.20 system assisted or operated by a city or county, the application shall also be reviewed
29.21 by that commission, authority, or political subdivision for consistency with its transit
29.22 programs, policies, and plans. ~~Any regional development commission that has not adopted~~
29.23 ~~a transportation plan may review but may not approve or disapprove of any application.~~

29.24 Sec. 34. Minnesota Statutes 2009 Supplement, section 174.24, subdivision 1a, is
29.25 amended to read:

29.26 Subd. 1a. ~~Transit service needs implementation~~ **Greater Minnesota transit**
29.27 **investment plan.** (a) The commissioner shall develop a greater Minnesota transit service
29.28 ~~needs implementation~~ investment plan that contains a goal of meeting at least 80 percent
29.29 of ~~unmet total~~ total transit service needs in greater Minnesota by July 1, 2015, and meeting at
29.30 least 90 percent of ~~unmet total~~ total transit service needs in greater Minnesota by July 1, 2025.

29.31 (b) The plan must include, but is not limited to, the following:

29.32 (1) an analysis of ridership and total transit service needs throughout greater
29.33 Minnesota;

30.1 (2) a calculation of ~~unmet needs~~; ~~an assessment of the level and type of service~~
30.2 required to meet ~~unmet~~ total transit service needs, for the transit system classifications
30.3 as provided under subdivision 3b, paragraph (c), of urbanized area, small urban area,
30.4 rural area, and elderly and disabled service;

30.5 (3) an analysis of costs and revenue options; ~~and,~~

30.6 (4) a plan to reduce ~~unmet total~~ transit service needs as specified in this subdivision;
30.7 and

30.8 (5) identification of the operating and capital costs necessary to meet 100 percent of
30.9 the greater Minnesota transit targeted and projected bus service hours, as identified in the
30.10 greater Minnesota transit plan, for 2010, 2015, 2020, 2025, and 2030.

30.11 (c) The plan must specifically address special transportation service ridership and
30.12 needs. The plan must also provide that recipients of operating assistance under this
30.13 section provide fixed route public transit service without charge for disabled veterans in
30.14 accordance with subdivision 7. ~~The commissioner may amend the plan as necessary, and~~
30.15 ~~may use all or part of the 2001 greater Minnesota public transportation plan created by the~~
30.16 ~~Minnesota Department of Transportation.~~

30.17 Sec. 35. Minnesota Statutes 2008, section 174.24, subdivision 2, is amended to read:

30.18 Subd. 2. **Eligibility; application.** Any legislatively established public transit
30.19 commission or authority, any county or statutory or home rule charter city providing
30.20 financial assistance to or operating public transit, any private operator of public transit, or
30.21 any combination thereof is eligible to receive financial assistance through the public transit
30.22 participation program. Except as provided in subdivision 2b for assistance provided from
30.23 federal funds, eligible recipients must be located outside of the metropolitan area.

30.24 Sec. 36. Minnesota Statutes 2008, section 174.24, is amended by adding a subdivision
30.25 to read:

30.26 Subd. 2b. **Federal aid.** (a) The commissioner may accept and disburse federal funds
30.27 received and appropriated under section 174.23, subdivision 1, as an additional source of
30.28 funds for implementing the public transit participation program established in this section.
30.29 This authority includes, but is not limited to:

30.30 (1) adopting administrative rules to establish financial assistance allocation priorities,
30.31 identify factors to consider in reviewing an applicant's management plan, evaluate a
30.32 request for financial assistance, and determine the amount of financial assistance to be
30.33 provided; and

31.1 (2) establishing project selection criteria under the United States Code, title 49,
31.2 section 5311, state management plan as approved by the Federal Transit Administration,
31.3 United States Department of Transportation.

31.4 (b) If the commissioner accepts and disburses federal funds as provided in paragraph
31.5 (a), the commissioner shall:

31.6 (1) maintain separate accounts for (i) state sources of funds, and (ii) federal sources
31.7 of funding; and

31.8 (2) ensure that all state sources of funds are only used for assistance to eligible
31.9 recipients as provided in subdivision 2.

31.10 Sec. 37. Minnesota Statutes 2008, section 174.24, subdivision 3b, is amended to read:

31.11 Subd. 3b. **Operating assistance; recipient classifications.** (a) The commissioner
31.12 shall determine the total operating cost of any public transit system receiving or applying
31.13 for assistance in accordance with generally accepted accounting principles. To be eligible
31.14 for financial assistance, an applicant or recipient shall provide to the commissioner
31.15 all financial records and other information and shall permit any inspection reasonably
31.16 necessary to determine total operating cost and correspondingly the amount of assistance
31.17 that may be paid to the applicant or recipient. Where more than one county or municipality
31.18 contributes assistance to the operation of a public transit system, the commissioner shall
31.19 identify one as lead agency for the purpose of receiving money under this section.

31.20 (b) Prior to distributing operating assistance to eligible recipients for any contract
31.21 period, the commissioner shall place all recipients into one of the following classifications:
31.22 urbanized area service, small urban area service, rural area service, and elderly and
31.23 disabled service.

31.24 (c) The commissioner shall distribute funds under this section so that the percentage
31.25 of total contracted operating cost paid by any recipient from local sources will not exceed
31.26 the percentage for that recipient's classification, except as provided in ~~an undue hardship~~
31.27 ~~case~~ this subdivision. The percentages must be:

31.28 (1) for urbanized area service and small urban area service, 20 percent;

31.29 (2) for rural area service, 15 percent; and

31.30 (3) for elderly and disabled service, 15 percent.

31.31 Except as provided in a United States Department of Transportation program allowing
31.32 or requiring a lower percentage to be paid from local sources, the remainder of the
31.33 recipient's total contracted operating cost will be paid from state sources of funds less any
31.34 assistance received by the recipient from any federal source the United States Department
31.35 of Transportation.

32.1 (d) For purposes of this subdivision, "local sources" means all local sources of funds
32.2 and includes all operating revenue, tax levies, and contributions from public funds, except
32.3 that the commissioner may exclude from the total assistance contract revenues derived
32.4 from operations the cost of which is excluded from the computation of total operating
32.5 cost. ~~Total operating costs of the Duluth Transit Authority or a successor agency does~~
32.6 ~~not include costs related to the Superior, Wisconsin service contract and the Independent~~
32.7 ~~School District No. 709 service contract.~~

32.8 ~~(e)~~ (e) If a recipient informs the commissioner in writing after the establishment of
32.9 these percentages but prior to the distribution of financial assistance for any year that
32.10 paying its designated percentage of total operating cost from local sources will cause
32.11 undue hardship, the commissioner may reduce the percentage to be paid from local
32.12 sources by the recipient and increase the percentage to be paid from local sources by one
32.13 or more other recipients inside or outside the classification. However, the commissioner
32.14 may not reduce or increase any recipient's percentage under this paragraph for more than
32.15 two years successively. If for any year the funds appropriated to the commissioner to carry
32.16 out the purposes of this section are insufficient to allow the commissioner to pay the state
32.17 share of total operating cost as provided in this paragraph, the commissioner shall reduce
32.18 the state share in each classification to the extent necessary.

32.19 Sec. 38. Minnesota Statutes 2009 Supplement, section 174.24, subdivision 5, is
32.20 amended to read:

32.21 Subd. 5. **Method of payment, operating assistance.** Payments for operating
32.22 assistance under this section from state sources of funds must be made in the following
32.23 manner:

32.24 (a) For payments made from the general fund:

32.25 (1) 50 percent of the total contract amount in or before the first month of operation;

32.26 (2) 40 percent of the total contract amount in or before the seventh month of
32.27 operation;

32.28 (3) 9 percent of the total contract amount in or before the 12th month of operation;

32.29 and

32.30 (4) 1 percent of the total contract amount after the final audit.

32.31 (b) For payments made from the greater Minnesota transit account:

32.32 (1) 50 percent of the total contract amount in or before the seventh month of
32.33 operation; and

32.34 (2) 50 percent of the total contract amount in or before the 11th month of operation.

33.1 Sec. 39. Minnesota Statutes 2008, section 174.247, is amended to read:

33.2 **174.247 ANNUAL TRANSIT REPORT.**

33.3 (a) By February 15 annually, the commissioner shall submit a report to the legislature
33.4 on transit services outside the metropolitan area. The Metropolitan Council and any
33.5 public transit system receiving assistance under section 174.24 shall provide assistance
33.6 in creating the report, as requested by the commissioner.

33.7 (b) The report must include, at a minimum, the following:

33.8 (1) a descriptive overview of public transit in Minnesota;

33.9 (2) a descriptive summary of funding sources and assistance programs;

33.10 (3) a summary of each public transit system receiving assistance under section
33.11 174.24;

33.12 (4) data that identifies use of volunteers in providing transit service;

33.13 (5) financial data that identifies ~~operating and capital costs, and funding sources,~~
33.14 for each public transit system and for each transit system classification under section
33.15 174.24, subdivision 3b:

33.16 (i) the operating and capital costs;

33.17 (ii) each of the funding sources used to provide financial assistance; and

33.18 (iii) for federal funds, the amount from each specific federal program under which
33.19 funding is provided;

33.20 (6) a summary of the differences in program implementation requirements and aid
33.21 recipient eligibility between federal aid and state sources of funds;

33.22 (7) in each odd-numbered year, an analysis of public transit system needs and
33.23 operating expenditures on an annual basis, which must include a methodology for
33.24 identifying monetary needs, and calculations of:

33.25 (i) the total monetary needs for all public transit systems, for the year of the report
33.26 and the ensuing five years;

33.27 (ii) the total expenditures from local sources for each transit system classification;

33.28 (iii) the comprehensive transit assistance percentage for each transit system
33.29 classification, which equals (A) the expenditures identified under clause (7), item (ii), for
33.30 a transit system classification, divided by (B) the amounts identified under subitem (A),
33.31 plus the sum of state sources of funds plus federal funds provided to all transit systems
33.32 in that classification; and

33.33 (iv) in each odd-numbered year, beginning in 2009, a calculation of the amounts the
33.34 amount of surplus or insufficient funds available for (i) paying the state share of transit
33.35 operating costs under section 174.24, subdivision 3b, and (ii) paying capital and operating

34.1 costs to fully implement the ~~transit service needs implementation~~ greater Minnesota transit
34.2 investment plan under section 174.24, subdivision 1a.

34.3 Sec. 40. **[174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.**

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

34.11 Subd. 2. **Duties of council.** In order to accomplish the purposes in subdivision
34.12 1, the council, following consultation with the legislative committees or divisions
34.13 with jurisdiction over transportation policy and budget, or with appropriate legislative
34.14 transportation subcommittees, shall adopt a biennial work plan that must incorporate
34.15 the following activities:

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

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

34.21 (3) recommend statewide objectives for providing public transportation services
34.22 for the transit public;

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

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

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

34.29 (7) recommend guidelines for developing transportation coordination plans
34.30 throughout the state;

34.31 (8) encourage all state agencies participating in the council to purchase trips within
34.32 the coordinated system;

34.33 (9) facilitate the creation and operation of transportation brokerages to match
34.34 riders to the appropriate service, promote shared dispatching, compile and disseminate
34.35 information on transportation options, and promote regional communication;

35.1 (10) encourage volunteer driver programs and recommend legislation to address
35.2 liability and insurance issues;

35.3 (11) recommend minimum performance standards for delivery of services;

35.4 (12) identify methods to eliminate fraud and abuse in special transportation services;

35.5 (13) develop a standard method for addressing liability insurance requirements for
35.6 transportation services purchased, provided, or coordinated;

35.7 (14) design and develop a contracting template for providing coordinated
35.8 transportation services;

35.9 (15) recommend an interagency uniform contracting and billing and accounting
35.10 system for providing coordinated transportation services;

35.11 (16) encourage the design and development of training programs for coordinated
35.12 transportation services;

35.13 (17) encourage the use of public school transportation vehicles for the transit public;

35.14 (18) develop an allocation methodology that equitably distributes transportation
35.15 funds to compensate units of government and all entities that provide coordinated

35.16 transportation services;

35.17 (19) identify policies and necessary legislation to facilitate vehicle sharing; and

35.18 (20) advocate aggressively for eliminating barriers to coordination, implementing
35.19 coordination strategies, enacting necessary legislation, and appropriating resources to
35.20 achieve the council's objectives.

35.21 Subd. 3. **Coordination with legislative committees.** The council shall coordinate
35.22 its meeting schedule and activities pursuant to its work plan, to the extent practicable, with
35.23 legislative committees and divisions with jurisdiction over transportation budget and
35.24 policy, or with appropriate subcommittees. The chairperson of the council shall act as
35.25 a liaison with the chairs and ranking minority members of the legislative transportation
35.26 committees, divisions, and appropriate subcommittees, in carrying out these duties.

35.27 Subd. 4. **Membership.** (a) The council is composed of the following 13 members:

35.28 (1) one representative from the Office of the Governor;

35.29 (2) one representative from the Council on Disability;

35.30 (3) one representative from the Minnesota Public Transit Association;

35.31 (4) the commissioner of transportation or a designee;

35.32 (5) the commissioner of human services or a designee;

35.33 (6) the commissioner of health or a designee;

35.34 (7) the chair of the Metropolitan Council or a designee;

35.35 (8) the commissioner of education or a designee;

35.36 (9) the commissioner of veterans affairs or a designee;

- 36.1 (10) one representative from the Board on Aging;
36.2 (11) the commissioner of employment and economic development or a designee;
36.3 (12) the commissioner of commerce or a designee; and
36.4 (13) the commissioner of management and budget or a designee.

36.5 (b) All appointments required by paragraph (a) must be completed by August
36.6 1, 2010.

36.7 (c) The commissioner of transportation or a designee shall convene the first meeting
36.8 of the council within two weeks after the members have been appointed to the council.
36.9 The members shall elect a chairperson from their membership at the first meeting.

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

36.12 Subd. 5. **Report.** By January 15 of each year, beginning in 2012, the council shall
36.13 report its findings, recommendations, and activities to the governor's office and to the
36.14 chairs and ranking minority members of the legislative committees with jurisdiction
36.15 over transportation, health, and human services, and to the legislature as provided under
36.16 section 3.195.

36.17 Subd. 6. **Reimbursement.** Members of the council shall receive reimbursement
36.18 of expenses as provided in section 15.059, subdivision 3.

36.19 Subd. 7. **Expiration.** This section expires June 30, 2014.

36.20 Sec. 41. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

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

37.12 Sec. 42. Minnesota Statutes 2008, section 219.01, is amended to read:

37.13 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

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

37.17 (b) The commissioner of transportation shall apply to the Federal Railroad
37.18 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of
37.19 2008 (the act), for (1) railroad safety technology grant funding available under section
37.20 105 of the act and (2) development and installation of rail safety technology, including
37.21 provision for switch position indicator signals in nonsignalized main track territory,
37.22 under section 406 of the act. The commissioner shall respond and make application to
37.23 the Federal Railroad Administration notice of funds availability under the Rail Safety
37.24 Assurance Act in a timely manner and before the date of the program deadline to assure
37.25 full consideration of the application. The commissioner shall (i) prioritize grant requests
37.26 for the installation of switch indicator signals on all segments of nonsignalized track
37.27 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in
37.28 each year after 2010 until all nonsignalized track territory in the state has switch indicator
37.29 signals installed and in operation.

37.30 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit
37.31 grant requests from all eligible railroads. The commissioner shall submit written notice to
37.32 the chairs of the legislative committees with jurisdiction over transportation policy and
37.33 finance of an acceptance by a class I or class II railroad of federal grant program funding
37.34 for switch point indicator monitor systems.

38.1 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads
38.2 shall provide all technical documentation requested by the commissioner and required by
38.3 the Federal Railroad Administration for the applications under paragraph (b). Railroads
38.4 are responsible for developing, acquiring, and installing all rail safety technology obtained
38.5 under this section in accordance with requirements established by the Federal Railroad
38.6 Administration.

38.7 Sec. 43. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision
38.8 to read:

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

38.14 Sec. 44. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

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

38.18 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small
38.19 vehicle passenger service" also includes for-hire transportation of persons who are certified
38.20 by the Metropolitan Council to use special transportation service provided under section
38.21 473.386, in a vehicle designed to transport not more than 15 persons including the driver,
38.22 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

38.23 (c) **Small vehicle passenger service does not include a motor carrier of railroad**
38.24 **employees.**

38.25 Sec. 45. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

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

38.29 (b) **A vehicle operator for a motor carrier of railroad employees who transports**
38.30 **passengers must:**

38.31 (1) **have a valid driver's license under chapter 171; and**

38.32 (2) **submit to a physical examination.**

39.1 (c) The carrier must implement a policy that provides for annual training and
39.2 certification of the operator in:

39.3 (1) safe operation of the vehicle transporting railroad employees;

39.4 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

39.5 (3) handling emergency situations;

39.6 (4) proper use of seat belts;

39.7 (5) performance of pretrip and posttrip vehicle inspections, and inspection record
39.8 keeping; and

39.9 (6) proper maintenance of required records.

39.10 (d) The carrier must:

39.11 (1) perform a background check or background investigation of the operator;

39.12 (2) annually verify the operator's driver's license;

39.13 (3) document meeting the requirements in this subdivision, and maintain the file
39.14 at the carrier's business location;

39.15 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless
39.16 of the seating capacity of the vehicle; and

39.17 (5) maintain uninsured and underinsured coverage in a minimum amount of
39.18 \$1,000,000.

39.19 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad
39.20 employees, then the insurance requirements may be satisfied by either that party or the
39.21 motor carrier, so long as the motor carrier is a named insured or additional insured under
39.22 any policy.

39.23 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,
39.24 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to
39.25 169A.53 of the implied consent law, or who is convicted of or has their driver's license
39.26 revoked under a similar statute or ordinance of another state, may not operate a vehicle
39.27 under this subdivision for five years from the date of conviction. A person who sustains a
39.28 conviction of a moving offense in violation of chapter 169 within three years of the first
39.29 of three other moving offenses may not operate a vehicle under this subdivision for one
39.30 year from the date of the last conviction. A person who has ever been convicted of a
39.31 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may
39.32 not operate a vehicle under this subdivision.

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

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

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

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

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

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

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

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

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

40.28 Sec. 46. Minnesota Statutes 2009 Supplement, section 299D.03, subdivision 5, is
40.29 amended to read:

40.30 Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail
40.31 money collected from persons apprehended or arrested by officers of the State Patrol
40.32 shall be transmitted by the person or officer collecting the fines, forfeited bail money,
40.33 or installments thereof, on or before the tenth day after the last day of the month in
40.34 which these moneys were collected, to the commissioner of management and budget.
40.35 Except where a different disposition is required in this subdivision or section 387.213, or

41.1 otherwise provided by law, three-eighths of these receipts must be deposited in the state
41.2 treasury and credited to the state general fund. The other five-eighths of these receipts
41.3 must be deposited in the state treasury and credited as follows: (1) the first ~~\$600,000~~
41.4 \$1,000,000 in each fiscal year must be credited to the Minnesota grade crossing safety
41.5 account in the special revenue fund, and (2) remaining receipts must be credited to the state
41.6 trunk highway fund. If, however, the violation occurs within a municipality and the city
41.7 attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts
41.8 shall be deposited in the state treasury and credited to the state general fund, one-third of
41.9 the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be
41.10 deposited in the state treasury and credited to the Minnesota grade crossing safety account
41.11 or the state trunk highway fund as provided in this paragraph. When section 387.213 also
41.12 is applicable to the fine, section 387.213 shall be applied before this paragraph is applied.
41.13 All costs of participation in a nationwide police communication system chargeable to the
41.14 state of Minnesota shall be paid from appropriations for that purpose.

41.15 (b) Notwithstanding any other provisions of law, all fines and forfeited bail money
41.16 from violations of statutes governing the maximum weight of motor vehicles, collected
41.17 from persons apprehended or arrested by employees of the state of Minnesota, by means
41.18 of stationary or portable scales operated by these employees, shall be transmitted by the
41.19 person or officer collecting the fines or forfeited bail money, on or before the tenth day
41.20 after the last day of the month in which the collections were made, to the commissioner
41.21 of management and budget. Five-eighths of these receipts shall be deposited in the state
41.22 treasury and credited to the state highway user tax distribution fund. Three-eighths of
41.23 these receipts shall be deposited in the state treasury and credited to the state general fund.

41.24 Sec. 47. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

41.25 Subd. 3. **Municipality.** "Municipality" does not include a county unless the county
41.26 owns or controls an airport, in which case such county may exercise all the powers
41.27 granted by said sections to other municipalities. It specifically includes a town, an airport
41.28 authority, the Metropolitan Airports Commission established and operated pursuant to
41.29 chapter 473, and the state of Minnesota.

41.30 Sec. 48. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

41.31 Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may
41.32 make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase
41.33 homestead property located in a proposed state trunk highway right-of-way or project,
41.34 and to provide relocation assistance. Acquiring authorities are authorized to accept the

42.1 loans and to acquire the property. Except as provided in this subdivision, the loans shall
42.2 be made as provided in subdivision 2. Loans shall be in the amount of the fair market
42.3 value of the homestead property plus relocation costs and less salvage value. Before
42.4 construction of the highway begins, the acquiring authority shall convey the property to
42.5 the commissioner of transportation at the same price it paid, plus relocation costs and less
42.6 its salvage value. Acquisition and assistance under this subdivision must conform to
42.7 sections 117.50 to 117.56.

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

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

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

42.12 (3) the owner is unable to sell the homestead property at its appraised market
42.13 value because the property is located in a proposed state trunk highway right-of-way or
42.14 project as indicated on an official map or plat adopted under section 160.085, 394.361, or
42.15 462.359; and

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

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

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

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

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

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

42.35 Sec. 49. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

43.1 Subd. 5. **Use of public roadways and appurtenances.** The council may use for the
43.2 purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision
43.3 any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or
43.4 other appurtenance of a roadway, without payment of any compensation, provided the
43.5 use does not interfere unreasonably with the public use or maintenance of the roadway or
43.6 appurtenance or entail any substantial additional costs for maintenance. The provisions of
43.7 this subdivision do not apply to the property of any common carrier railroad or common
43.8 carrier railroads. The consent of the public agency in charge of such state highway or other
43.9 public highway or roadway or appurtenance is not required; except that if the council seeks
43.10 to use a designated parkway for regular route service in the city of Minneapolis, it must
43.11 obtain permission from and is subject to reasonable limitations imposed by a joint board
43.12 consisting of two representatives from the council, two members of the board of park
43.13 commissioners, and a fifth member jointly selected by the ~~representatives of the council~~
43.14 ~~and the park~~ other members of the board. If the use is a designated Minneapolis parkway
43.15 for regular route service adjacent to the city of Minneapolis, it must obtain permission
43.16 from and is subject to reasonable limitations imposed by a joint board consisting of two
43.17 representatives from the council, two members of the board of park commissioners, and a
43.18 fifth member jointly selected by other members of the board. The joint board must include
43.19 a nonvoting member appointed by the council of the city in which the parkway is located.

43.20 The board of park commissioners and the council may designate persons to sit on
43.21 the joint board. In considering a request by the council to use designated parkways for
43.22 additional routes or trips, the joint board consisting of the council or their designees,
43.23 the board of park commissioners or their designees, and the fifth member, shall base its
43.24 decision to grant or deny the request based on the criteria to be established by the joint
43.25 board. The decision to grant or deny the request must be made within 45 days of the
43.26 date of the request. The park board must be notified immediately by the council of any
43.27 temporary route detours. If the park board objects to the temporary route detours within
43.28 five days of being notified, the joint board must convene and decide whether to grant the
43.29 request, otherwise the request is deemed granted. If the agency objects to the proposed
43.30 use or claims reimbursement from the council for additional cost of maintenance, it may
43.31 commence an action against the council in the district court of the county wherein the
43.32 highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings
43.33 in the action must conform to the Rules of Civil Procedure applicable to the district courts.
43.34 The court shall sit without jury. If the court determines that the use in question interferes
43.35 unreasonably with the public use or maintenance of the roadway or appurtenance, it shall
43.36 enjoin the use by the council. If the court determines that the use in question does not

44.1 interfere unreasonably with the public use or maintenance of the roadway or appurtenance,
44.2 but that it entails substantial additional maintenance costs, the court shall award judgment
44.3 to the agency for the amount of the additional costs. Otherwise the court shall award
44.4 judgment to the council. An aggrieved party may appeal from the judgment of the district
44.5 court in the same manner as is provided for such appeals in other civil actions. The council
44.6 may also use land within the right-of-way of any state highway or other public roadway
44.7 for the erection of traffic control devices, other signs, and passenger shelters upon the
44.8 conditions stated in this subdivision and subject only to the approval of the commissioner
44.9 of transportation where required by statute, and subject to the express provisions of other
44.10 applicable statutes and to federal requirements where necessary to qualify for federal aid.

44.11 Sec. 50. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

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

44.18 Sec. 51. Laws 2008, chapter 287, article 1, section 122, is amended to read:

44.19 Sec. 122. **NULLIFICATION OF EXPEDITED TOWN ROAD**
44.20 **EXTINGUISHMENT.**

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

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

44.25 (2) the state or a political subdivision has constructed or funded a road or bridge
44.26 improvement on a right-of-way affected by the interest;

44.27 (3) the affected road was the only means of access to a property;

44.28 (4) the extinguishment took place within the last ten years; and

44.29 (5) a person whose only access to property was lost because of the extinguishment
44.30 files a petition of a nullification with the town board stating that the person's property
44.31 became landlocked because of the extinguishment and that the road satisfies all of the
44.32 requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or
44.33 recorded with the county auditor must be attached to the petition. The town shall file the
44.34 petition with the county auditor and record it with the county recorder.

45.1 (b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and
45.2 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to
45.3 be a cartway. No additional damages or other payments may be required other than those
45.4 paid at the time the fee interest was originally acquired and the order filed with the county
45.5 auditor. A cartway created by this paragraph may be converted to a private driveway
45.6 under Minnesota Statutes, section 164.08, subdivision 2.

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

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

45.10 Sec. 52. Laws 2008, chapter 350, article 1, section 5, the effective date, is amended to
45.11 read:

45.12 **EFFECTIVE DATE.** Paragraph (b) and paragraph (c), clause (1), are effective the
45.13 day following final enactment and apply to any additional tax for a registration period
45.14 that starts on or after March 1, ~~2011~~ 2012.

45.15 Sec. 53. **ROUNDABOUTS DESIGN.**

45.16 (a) The commissioner of transportation shall, as part of the next regular update of
45.17 appropriate design and highway construction manuals, develop specifications or standards
45.18 on the design of roundabouts. The specifications or standards must include consideration
45.19 of the suitability of roundabout designs for commercial motor vehicles, as defined in
45.20 Minnesota Statutes, section 169.011, subdivision 16, and disabled persons as defined
45.21 by Minnesota Statutes, section 256.481.

45.22 (b) In developing the specifications or standards, the commissioner shall consult
45.23 with:

45.24 (1) the Minnesota Trucking Association;

45.25 (2) representatives, as identified by the commissioner, of persons who regularly
45.26 obtain oversize or overweight permits under Minnesota Statutes, chapter 169, and are
45.27 reasonably likely to travel on routes that would include a roundabout; and

45.28 (3) the Council on Disability established under Minnesota Statutes, section 256.482.

45.29 (c) The commissioner shall distribute the specifications or standards, or a similar
45.30 advisory guidance document, to local road authorities.

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

45.32 Sec. 54. **TIFIA PILOT PROGRAM.**

46.1 (a) The commissioner of transportation may conduct a pilot program to apply for
46.2 and receive financial assistance under the Transportation Infrastructure Finance and
46.3 Innovation Act of 1998 (TIFIA), United States Code, title 23, chapter 6, or through other
46.4 federal transportation loan, grant, or credit assistance programs. The assistance may
46.5 include but is not limited to loans, loan guarantees, and lines of credit. The commissioner
46.6 may enter into agreements to repay the financial assistance subject to the availability of
46.7 state money or other dedicated revenue or resources, with the approval of Minnesota
46.8 Management and Budget.

46.9 (b) The pilot program under this section is available for one transportation project
46.10 identified by the commissioner.

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

46.12 Sec. 55. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**
46.13 **CITY OF FARMINGTON.**

46.14 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the
46.15 commissioner of public safety, limiting sites for the office of deputy registrar based
46.16 on either the distance to an existing deputy registrar office or the annual volume of
46.17 transactions processed by any deputy registrar, the commissioner of public safety shall
46.18 appoint a municipal deputy registrar of motor vehicles for the city of Farmington to
46.19 operate a new full-service Office of Deputy Registrar, with full authority to function
46.20 as a registration and motor vehicle tax collection bureau, at the city hall in the city of
46.21 Farmington. All other provisions regarding the appointment and operation of a deputy
46.22 registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota
46.23 Rules, chapter 7406, apply to the office.

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

46.27 Sec. 56. **REPEALER.**

46.28 Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

46.29 Sec. 57. **EFFECTIVE DATE.**

46.30 Except as otherwise provided, this article is effective August 1, 2010.