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HOUSE FILE NO. 2801

FIRST COMMITTEE ENGROSSMENT

February 8, 2010

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

Referred by Chair to Transportation Finance and Policy Division.

February 23, 2010

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to establishing complete streets program and requiring reports; amending
1.3 Minnesota Statutes 2008, sections 162.02, subdivision 3a; 162.09, subdivision
1.4 3a; proposing coding for new law in Minnesota Statutes, chapter 174.

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

ARTICLE 1

IMPLEMENTATION

1.8 Section 1. Minnesota Statutes 2008, section 162.02, subdivision 3a, is amended to read:

1.9 Subd. 3a. **Variances from rules and engineering standards.** (a) Subject to section
1.10 174.75, subdivision 5, the commissioner may grant variances from the rules and from the
1.11 engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A
1.12 political subdivision in which a county state-aid highway is located or is proposed to be
1.13 located may submit a written request to the commissioner for a variance for that highway.

1.14 (b) The commissioner shall publish notice of the request in the State Register and
1.15 give notice to all persons known to the commissioner to have an interest in the matter. The
1.16 commissioner may grant or deny the variance within 30 days of providing notice of the
1.17 request. If a written objection to the request is received within seven days of providing
1.18 notice, the variance shall be granted or denied only after a contested case hearing has been
1.19 held on the request. If no timely objection is received and the variance is denied without
1.20 hearing, the political subdivision may request, within 30 days of receiving notice of denial,
1.21 and shall be granted a contested case hearing.

1.22 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of
1.23 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

2.1 Sec. 2. Minnesota Statutes 2008, section 162.09, subdivision 3a, is amended to read:

2.2 Subd. 3a. **Variances from rules and engineering standards.** (a) Subject to section
2.3 174.75, subdivision 5, the commissioner may grant variances from the rules and from the
2.4 engineering standards developed pursuant to section 162.13, subdivision 2. A political
2.5 subdivision in which a municipal state-aid street is located or is proposed to be located
2.6 may submit a written request to the commissioner for a variance for that street.

2.7 (b) The commissioner shall publish notice of the request in the State Register and
2.8 give notice to all persons known to the commissioner to have an interest in the matter. The
2.9 commissioner may grant or deny the variance within 30 days of providing notice of the
2.10 request. If a written objection to the request is received within seven days of providing
2.11 notice, the variance shall be granted or denied only after a contested case hearing has been
2.12 held on the request. If no timely objection is received and the variance is denied without
2.13 hearing, the political subdivision may request, within 30 days of receiving notice of denial,
2.14 and shall be granted a contested case hearing.

2.15 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of
2.16 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

2.17 Sec. 3. **[174.75] COMPLETE STREETS.**

2.18 Subdivision 1. **Definition.** "Complete streets" is the planning, scoping, design,
2.19 implementation, operation, and maintenance of roads in order to reasonably address the
2.20 safety and accessibility needs of users of all ages and abilities. Complete streets considers
2.21 the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial
2.22 and emergency vehicles moving along and across roads, intersections, and crossings in a
2.23 manner that recognizes that the needs vary in urban, suburban, and rural settings.

2.24 Subd. 2. **Implementation.** The commissioner shall implement a complete streets
2.25 policy after consultation with stakeholders, state and regional agencies, local governments,
2.26 and road authorities. The commissioner, after such consultation, shall address relevant
2.27 protocols, guidance, standards, requirements, and training, and shall integrate related
2.28 principles of context-sensitive solutions.

2.29 Subd. 3. **Report.** Beginning in 2011, the commissioner shall report on the
2.30 implementation of the complete streets policy in the agency's biennial budget submission
2.31 under section 174.02.

2.32 Subd. 4. **Local road authorities.** Local road authorities are encouraged, but not
2.33 required, to create and adopt complete streets policies for their roads that reflect local
2.34 context and goals. Nothing in this section may be construed to prohibit a local road

3.1 authority from adopting a complete streets policy that incorporates or exceeds statutory
3.2 complete streets principles.

3.3 Subd. 5. **Variances from engineering standards.** (a) When evaluating a request
3.4 for a variance from the engineering standards for state-aid projects under chapter 162 in
3.5 which the variance request is related to complete streets, the commissioner shall consider
3.6 the latest edition of (1) A Policy on Geometric Design of Highways and Streets, from the
3.7 American Association of State Highway and Transportation Officials; and (2) for projects
3.8 in urban areas, the Context Sensitive Solutions in Designing Major Urban Thoroughfares
3.9 for Walkable Communities, from the Institute of Transportation Engineers.

3.10 (b) If the commissioner denies a variance request related to complete streets, the
3.11 commissioner shall provide a brief written reason for the denial to the political subdivision
3.12 that submitted the request.

3.13 **ARTICLE 2**

3.14 **REPORTS**

3.15 Section 1. **COMPLETE STREETS REPORTS.**

3.16 The commissioner of transportation shall submit to the chairs and ranking minority
3.17 members of the house of representatives and senate committees with jurisdiction over
3.18 transportation policy and finance reports that:

3.19 (1) by November 15, 2010, summarize the department's complete streets initiatives,
3.20 summarize steps taken to expedite and improve the transparency of the state-aid variance
3.21 process related to complete streets, outline plans to develop and implement a complete
3.22 streets policy, and identify any statutory barriers to complete streets implementation;

3.23 (2) by November 15, 2011, summarize the results of the collaboration under
3.24 Minnesota Statutes, section 174.75, subdivision 3; identify modifications made to or
3.25 recommended for protocols, guidance, standards, or other requirements to facilitate
3.26 complete streets implementation; report status of development of complete streets
3.27 performance indicators; outline other work planned related to the complete streets
3.28 policy; and identify statutory recommendations to facilitate complete streets policy
3.29 implementation; and

3.30 (3) by November 15, 2013, overview the department's implementation of complete
3.31 streets policy; note updates to protocols, guidance, standards, or requirements; identify
3.32 any recommendations for supporting local complete streets implementation under the
3.33 state-aid standards variance process; and identify statutory recommendations to facilitate
3.34 complete streets policy implementation.

- 4.1 The reports in clauses (1), (2), and (3) must be made available electronically and
- 4.2 made available in print only upon request.